

COUNCIL PLANNING AGENDA



DATE MARCH 3, 2008

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

**O Canada
Silent Prayer
Disclosure of Pecuniary Interest**

PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT

- 1) **35 And 40 SILVERCREEK PARKWAY SOUTH**
Proposed Official Plan and Zoning Amendments (OP0506/ZC0516) – Ward 5
 - a) Staff presentation by Scott Hannah
 - b) Michael Spaziani, architect
Representative of Fieldgate Properties
 - c) Delegations (*limited to a maximum of ten minutes*)
 - John Fitzsimons
 - David Graham
 - Barbara O’Cleirigh
 - Cynthia Bragg
 - Derek Hodge
 - Oshea Davidson
 - Steve Hodge
 - Ron Foley
 - Richard Gingerich
 - Michelle Gillen & Lynne Francis
 - Shannon Campeau
 - Carolyn English
 - Karen Moore
 - Robert Fischer
 - Elinore Kent
 - Paul Campeau
 - Mary Macleod, Chantelle Boudreau & Luke Boudreau
 - Jacqueline Leslie
 - Adrienne Corning
 - Lee Phillips on behalf of Guelph Bible Conference Centre
 - Susan Watson (*& correspondence*)
 - Marion Steele

- d) Correspondence
 - Sally Humphries
 - Emily Weir
 - Margaret & Larry Van Volkenburg
- e) Staff summary

2) **340 CLAIR ROAD EAST**

Proposed Draft Plan of Subdivision and associated Zoning By-law Amendments – Westminister Woods East Phase 4 (23T-02502/ZC0706) – Ward 6

- a) Staff presentation by Al Hearne

PLANNING CONSENT DECISIONS

The attached resolutions have been prepared to facilitate Council’s consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda can be approved in one resolution.

1) **348 CRAWLEY ROAD**

Proposed Zoning By-law Amendment (Part of File 23T-06503/ZC0617) – Ward 6

- a) Staff presentation by Al Hearne
- b) Delegations
 - Paul Rice
- c) Correspondence
 - Beverly Wozniak

BY-LAWS

<p>By-law Number (2008)-18513 A by-law to authorize the execution of an Agreement between Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation and The Corporation of the City of Guelph and to repeal By-law (2007) – 18426. (Ontario Bus Replacement Program)</p>	<p>To execute the Agreement for the Ontario Bus Replacement Program.</p>
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Resolution – Councillor Farrelly
1st & 2nd reading of by-laws

Verbal Resolution – Council to go into Committee of the Whole to consider the by-laws.

Note:

When all by-laws have been considered, a member of Council should move “THAT the Committee rise and report the by-laws passed in Committee without amendment (or as amended).”

Resolution – Councillor Findlay
3rd reading of by-laws

ADJOURNMENT

My name is Sally Humphries and I am a member of the Howitt Park Neighbourhood Residents' Association and a resident of Hearn Avenue. I am submitting the following for consideration by Council. I will be unable to attend the March 3rd Public Meeting of Council regarding development at the former Lafarge site.

My comments refer back to the report by Tate Economic Research (TER) and critical input into the TER report by peer reviewer, Clayton Research (CR). To briefly summarize the latter, CR finds that estimations regarding expansion of retail sales in the TER report to be *overly optimistic* and thus the extent of retail footage proposed by Silvercreek Guelph Developments Ltd. for the Silvercreek site to be *unwarranted*. Only in certain areas (a furniture warehouse and warehouse membership club) does CR acknowledge that the planned additional footage *might* be accommodated without negative impact on other retail providers. However, as the TER letter at the back of the CR report shows, the warehouse membership club tenant withdrew from consideration in 2006. Overall, and most importantly, however, CR demonstrates that **“the scale and range of uses being proposed for the Silvercreek site would not appear to be justified within the City’s policy context”**. In particular, CR argues that the planned uses would “have undesirable consequences for the future retailing function and timing of the development/ rejuvenation of the West Hills and Willow West Mall areas”. The report also demonstrates that plans for another home renovation store are premature and would have negative impacts on existing stores of this type across the City. In short, CR finds that the proposals are not in accordance *with planned development* for Guelph as laid out in the Commercial Policy Review and incorporated into the Official Plan in 2006.

Nevertheless, when questioned at the public information meeting on January 31st, 2008 at the River Run Centre, Mr. Tate carefully refrained from referring to any of the CR findings. Indeed, he brushed aside a question from the audience regarding the necessity for 400,000 square feet of new commercial, saying that the “residual within the CPR” could be used to accommodate the additional commercial footage at the Silvercreek site. The fact that the “residual” within the CPR had already been allocated at the March, 2006 meeting of Council, and approved at that time, was totally disregarded by Mr. Tate.

The TER report sets out from a flawed assumption by using the City of Cambridge as a comparator with the City of Guelph. The cities have approximately the same population but Cambridge, we are informed, has a significantly larger amount of retail space at the disposal of its population. Thus while Guelph had 4,430,800 square feet of commercial retail in 2003 (from the Dee analysis), the author of the Tate Report estimates that Cambridge had 5,869,186 sq feet (Table 2). This leads to per capita retail footage of 47.2 sq feet in Cambridge compared to only 38.6 sq feet for Guelph (i.e. overall retail footage divided by population) (from Table 2). However, what is *not* pointed out in the study is that Cambridge is part of a Census Metropolitan Area (CMA) that also includes the City of Kitchener, the City of Waterloo, North Dumfries Township and Woolwich Township, *in addition to* the City Cambridge. The Census Agglomeration (CA) for Guelph includes *only* the City of Guelph, Eramosa Township and Guelph Townships. Thus the overall retail commercial space allocated to residents in Cambridge actually serves a much larger

metropolitan area than Cambridge alone. It is also worth stating the obvious, which is that a very large proportion of the Cambridge commercial retail described in the TER report is located alongside Canada's busiest highway. Thus a significant percentage of shoppers at the Cambridge site are drawn from further a field than even the CMA. Guelph's geographical location, north of Highway 401, makes it a very different kind of market. In short, what the TER report has done is to compare apples with pears and, in so doing, misrepresents the actual market situation.

And it is this flawed comparison that allows the author of the Tate report to contend that Guelph is under-serviced vis-à-vis Cambridge and that extra commercial footage will have *no impact* on *existing* retail or on that *proposed* under the Commercial Policy Review. This, as Clayton Research demonstrates, is false; the extra footage (currently 400,000 sq. feet rather than 450,000 square feet as in the TER report) proposed for the Silvercreek site will have a *negative impact* on both *existing* as well as on *planned* retail development outlined in the CPR.

This is hardly in the interest of the City of Guelph. Increases in tax revenues and employment generated at the Silvercreek site will occur *at the expense* of other commercial retail. Thus the City will simply end up paying higher infrastructural costs associated with traffic and other problems arising from the proposed development, without any appreciable returns. On the contrary, it is entirely likely that the proposed development will generate a net loss once all the impacts are measured.

Even more important perhaps than actual losses, are opportunity costs – *opportunities forgone* on the land. These are hard to estimate but they are immense. The former Lafarge site, so centrally located, and centred between rail links to Cambridge, London, Kitchener and Toronto, provides the City with a unique opportunity to establish a hub for future rail transportation. Once this opportunity has been swallowed up by *unwarranted* commercial retail space, there is no going back. The same is true for residential usage at the site. Places to Grow calls for intensification of residential development and a movement away from urban sprawl. The designation of the Silvercreek site for *unnecessary* retail expansion prevents the City from complying with the Province's own development plans.

Council must consider this matter extremely carefully as it looks to the future of the development of our City. It must weigh up the long term interests of the residents of the City of Guelph against the short term costs of opposing the plans put forward by Silvercreek Guelph Developments Ltd. There is no room for hindsight here.

Sincerely,
Sally Humphries

Copy Plan

RECEIVED
FEB 27 2008

CITY CLERK'S OFFICE

Emily Weir
Guelph, ON

The Corporation of the City of Guelph
59 Carden Street
Guelph, ON
N1H 3A1

Attn: Lois Giles, City Clerk

Re: OP0506, ZC0516 (Silvercreek (Guelph) Developments Limited proposed Official Plan and Zoning Change for 35 and 40 Silvercreek Parkway South)

February 27, 2008

Dear Mayor Farbridge and Guelph City Councilors,

I wish to provide comment on the current City of Guelph Official Plan and Zoning Change request proposed by Silvercreek (Guelph) Developments Ltd. I have been actively involved with this application as a concerned citizen and as a member of the Howitt Park Neighbourhood Resident's Association over the past two and a half years.

I am concerned with the current application put forth by Silvercreek (Guelph) Developments. My major concern is that the proposed zoning change to permit a large format 400,000 sq. ft. commercial development on the site will have serious negative impacts on the surrounding neighbourhood and on other commercial enterprise throughout the City of Guelph. I believe there are alternative and more appropriate land uses for this site that would fit well with the neighbourhood and with the current Official Plan. The following outlines my concerns with the development proposed by Silvercreek (Guelph) Developments and propose that it is premature to establish a commercial center as an appropriate principle of land use for this site.

The traffic generated by a 400,000 sq. ft. commercial center precludes it as an appropriate land use for this site. Estimates of 1,600 trips/hour during peak hours provided by the developer represents a substantial increase in traffic volume that will negatively impact residential streets. Some neighbourhood streets near the site have already requested traffic calming in recent years. Intersection upgrades proposed by the developer do not alleviate my concerns with traffic volume. The associated costs of additional infrastructure would burden the City with millions of dollars of municipal tax payer's money for many years to come with little actual benefit to the City.

The site presents a significant challenge with respect to access. Bordered by rail lines and the Hanlon Expressway, serious consideration needs to be given to how future users will access the site. The proposed access to the site via the opening of Silvercreek Pkwy North at Paisley Road through construction of an underpass will come at a substantial cost. It has not been made clear to the public who is responsible to cover this cost. I would be very concerned if the City of Guelph were to pay for this project. I do not believe that it would be responsible use of City funds, whether it is funded through Development Charge coffers or not. It is extremely frustrating to contemplate the amount of profit the developer hopes to make from the project at the expense of the City of Guelph taxpayers.

The applicant's request to have this site included in Guelph's Commercial Policy Review (CPR) was rejected by City Council. The Staff Report stated that inclusion of this site would have increased commercial lands in Guelph by 20-24% creating an oversupply of commercial development in the City. The updated proposal of 400,000 sq. ft. of commercial space by Silvercreek (Guelph) Developments will still place Guelph into an oversupply scenario. I must insist that the Applicant's proposal was not included in the CPR for good reason and if it were accepted at this time it would have a detrimental impact on existing commercial enterprise within the City of Guelph.

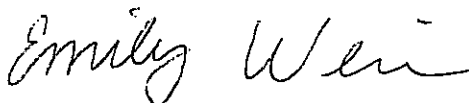
Clearly, the principle of commercial land use for this site brings with it detrimental impacts on traffic, difficulty with access to the site and negative market impacts. I believe that a 400,000 sq. ft. commercial development is completely inappropriate for this site and that changing the zoning to allow such a development would be a mistake. There are more appropriate uses for the site that would benefit the City of Guelph. I have attended a number of meetings on the subject of land use for this site: the Developer's session at Paisley Road School in June 2005, the University of Guelph's undergraduate Landscape Architecture class presentations on possibilities for the former Lafarge site in March 2007 and the recent "Land Use Planning" sessions with City of Guelph Planning Staff in August and September of 2007. Important conclusions were drawn at these meetings.

First, none of the citizens in attendance at any of these meetings supported a large scale commercial development that included "big box" format stores. Citizens are well aware of the restraints of the site and likely share similar concerns outlined in this letter. When pressed to accept commercial as a primary use for the site I have heard citizens suggest limiting the size of proposed stores on the site and/or incorporating residential for a "mixed-use" style development in order to negate some of the problems associated with a large scale development. Further, at the public meeting held on January 29, 2008 it was suggested that if large format commercial is included in the site, the proposed site plan should be rearranged to place the large format retail adjacent to the Hanlon expressway, not the neighbouring residences. I think that these are viable suggestions that deserve consideration during review of the current application.

Second, I believe there are alternative and more appropriate uses for the site, such as an educational institutional development, a rail transit node, or a technology-based office park with some training institutional use included. I believe these types of developments would add value to the City of Guelph and would be more compatible with the surrounding neighbourhood without negatively impacting existing business in Guelph.

In conclusion, the development of the former Lafarge site represents an important opportunity for the City. I believe that the current proposal is not appropriate land use of this unique site and I encourage Guelph City Council to reject the zoning change proposal for 400,000 sq. ft. commercial development.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Emily Weir". The signature is written in black ink and is positioned above the printed name.

Emily Weir

Copy: Plan ✓

Margaret & Larrv Van Volkenburg

Guelph, Ontario

February 19, 2008

Dear Mayor Farbridge and Council,

RECEIVED
FEB 27 2008
CITY CLERK'S OFFICE

**Re: File: OP0506, ZC0516
Proposed Official Plan and Zoning By-law Amendment
35 & 40 Silvercreek Parkway South**

Thank you for the opportunity to offer comment on the proposed rezoning application of the property commonly referred to as the Lafarge Lands.

We have been active members of the Howitt Park Neighbourhood Residents' Association since its early beginnings in the summer of 2005 as a small neighbourhood group. Although the HPNRA will be speaking before Council on March 3, 2008 on behalf of the membership, we also wanted to register our individual viewpoints. We are very much concerned that the developer's proposed 400,000 sq ft of commercial development will seriously impact not only the surrounding residential neighbourhood but also the city as a whole.

Traffic: At the January 31, 2008 Information Meeting, the developer's traffic consultant said he anticipates 1,600 cars per hour will access the site on a daily basis during peak hours (4 – 6 p.m.). The developer's consultants further indicated that, while specific tenants have not yet been determined, they are looking at a "members only" type format store for its largest building, which is approximately 141,000 sq ft. We believe that the figure of 1,600 cars per hour is actually low since the traffic study uses a formula based on projected traffic related to Leon's furniture warehouse stores. Members' only stores, such as Costco or Sam's Club, sell merchandise that is purchased on a daily, weekly or monthly basis while consumers traditionally purchase furniture less often. This type of shopping environment would most certainly generate more traffic than a furniture type store. But if we are to take the 1,600 cars per hour as an estimate, this will still create stress on the arterial roads that surround the site, specifically Paisley, Waterloo, Wellington and the Hanlon. Common sense tells us that a domino effect will occur on all other main roads throughout the city. As residents of the immediate neighbourhood bordering the Lafarge Lands, we foresee that drivers wishing to avoid these roads will look for substitute routes such Hearn Ave and Alma Street, which are unable to accommodate an increase in traffic.

Proposed Construction of the Underpass: City planning staff has told the developer that a second access point is necessary in order to support their application and as such the developer is proposing to open Silvercreek Parkway South via an underpass. Let's be very clear here, the building of the underpass is solely for the benefit of the developer

in order to support their intended commercial property. To the best of our knowledge, the city has never engaged in any discussions to re-open Silvercreek and therefore, the taxpayers should not have to cover any costs related to the construction of a second access point. Should Council approve opening Silvercreek it should be contingent on the developer incurring *all* costs related to the underpass, separate from any development charges.

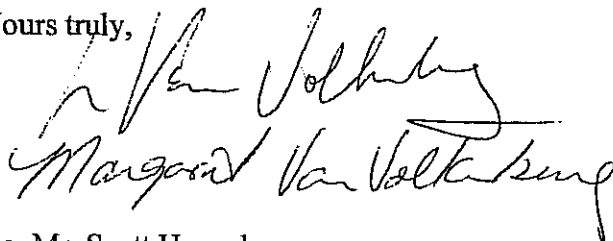
Proposed Parkland: The concept drawings indicate that the land located east of the creek will be donated to the city for parkland. While we welcome more parkland in the city, there are numerous questions related to how people will access this area and the city's commitment to maintaining the park. Since this area is part of a flood plain and the developer indicated that this area would be used to re-direct water from the west side of the creek, will this land actually be useable by the community 365 days of the year? The proposed parkland is enclosed by train tracks and if Council agrees to take responsibility for this section of the property, how will the city provide safe access to the land and who will pay for the construction of a bridge or underpass? City Council should make sure that any costs related to a future park are known upfront before reaching a decision.

While we are not opposed to the future development of this site, we do believe that it needs to be compatible with the surrounding neighbourhood. There are better alternatives to what is being proposed by Silvercreek Guelph Developments. The Province has made a commitment to expand GO Train service to the Kitchener/Waterloo/Cambridge/Guelph area and the Lafarge Lands would be an ideal location for a future station. In fact it is the only remaining piece of land within the city that could support this service.

We suggest to Council that at the very least the concept drawings currently being reviewed should be altered. If the two large scale buildings were re-located to the west side of Silvercreek and the smaller buildings were located closer to the creek, this would offer a better opportunity for the development to become a "town-square" type of shopping format that would have a more positive relationship to the creek and parkland. We acknowledge that Silvercreek would have to be curved in order to provide space for the larger scale stores but this would also provide traffic calming on Silvercreek and decreased speed through the site.

We hope that City Planning staff and Council will take our concerns into account when deciding the future of these lands.

Yours truly,

A handwritten signature in cursive script, appearing to read "Margaret Van Volkmink". The signature is written in dark ink and is positioned below the "Yours truly," text.

c.c. Mr. Scott Hannah
Howitt Park Neighbourhood Residents' Association

Madame Mayor and Members of Council:

Thank you for the opportunity to provide feedback on the proposed rezoning of the Lafarge lands from industrial to commercial zoning requested by Rosewater Management Group.

I would like to address a number of issues in this submission and I have also attached a number of supporting documents.

- a) Provincial Policy Statement and Places to Grow requirements regarding the conversion of employment lands.
- b) Tax implications of the conversion.
- c) Phasing requirements
- d) Impacts of changes in Policy and Market approaches
- e) Commercial Policy Review Process and OPA #29
- f) OMB Considerations
- g) Alternatives

Appendix 1: City of Guelph, Development Priorities Plan Workshop, July, 6, 2006.
Commercial/Industrial Development Impact

Appendix 2: Ministry of Public Infrastructure Renewal. Technical Backgrounder
Municipal Conformity.

Appendix 3: Meridian Planning Consultants Inc. Participant Background Booklet. May
3rd 2005 excerpts.

Appendix 5: Allocation of Commercial Space – AS APPROVED BY COUNCIL JULY
25th, 2005

**a) Provincial Policy Statement and Places to Grow requirements
regarding the conversion of employment lands.**

Council is now likely aware that both the Provincial Policy Statement and Places to Grow require that planning authorities now may only permit conversion of employment lands through a Municipal Comprehensive Review. This issue was also raised at the planning meeting regarding the proposed mosque in the Hanlon Creek Business Park.

Here are the relevant references:

Provincial Policy Statement

1.3 EMPLOYMENT AREAS

1.3.2. Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

For the purposes of the PPS, employment lands are defined as follows:

***Employment area:** means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.*

Places to Grow

The long-term protection of employment lands is also a major theme of the Places to Grow Growth Plan. The Province is concerned about loss of employment lands to housing uses and major retail. Here are the relevant sections:

2.2.6. EMPLOYMENT LANDS

5. Municipalities may permit conversion of lands within employment areas, to non-employment uses, only through a municipal comprehensive review where it has been demonstrated that ---

a) there is a need for the conversion

b) the municipality will meet the employment forecasts allocated to the municipality pursuant to this Plan.

c) the conversion will not adversely affect the overall viability of the employment area and achievement of the intensification targets, density targets, and other policies of this Plan.

d) there is existing or planned infrastructure to accommodate the proposed conversion

e) lands are not required over the long term for the employment purposes for which they are designated

f) cross-jurisdictional issues have been considered

For the purposes of this policy, major retail uses are considered non-employment uses.

9. Municipalities are encouraged to designate and preserve lands within settlement areas in the vicinity of existing major highway interchanges, ports, rail yards and airports as areas for manufacturing, warehousing and associated retail, office and ancillary facilities, where appropriate.

10. In planning lands for employment, municipalities will facilitate development of transit-supportive, compact built form and minimize surface parking.

I would like to make some personal comments about requirements in section 2.2.6 outlined above.

a) there is a need for the conversion

There is no need for the conversion.

On July 25th, 2005, the previous Council made a decision regarding the allocation of commercial space under the Commercial Policy Review. 1,926,00 square feet was identified as the amount of commercial space needed to meet commercial needs until the year 2021.

A report from Planning and Building Services in a Planning, Environment and Transportation Committee report, dated November 14, 2005, stated that: "Council's decision in July, 2005, established the overall direction with respect to: the amount of commercial space to be planned, consistent with the needs of city residents as the community grows to 2021."

This allocation was divided amongst four major nodes as well as 350,000 square feet which were earmarked for the downtown and intensification of existing commercial areas.

In the last two years we've seen 80,000 square feet open up at the Home Depot, 135,000 at the Wal-Mart, and I assume that the new commercial at Clair and Gordon hit the 90,000 square feet which was already approved. That's a total of 305,000 square feet, or 15% of the total approved in the Official Plan Amendment, intended to take us to the year 2021.

We already now have 190,000 square feet approved on the northeast corner of Clair and Gordon, just awaiting site plan approval, as well as 20,000 square feet previously approved on the Wal-Mart site. If an additional 200,000 square feet is approved for construction at the 6 & 7 site in the next 12 months, total new retail could be 410,000 square feet, or more than 20% of the total envisioned in the Official Plan Amendment. That's triple the rate that a steady average over the 15 year time line would give us.

There is no need for additional commercial space.

c) the conversion will not adversely affect the overall viability of the employment area and achievement of the intensification targets, density targets, and other policies of this Plan.

Any appropriate development, whether it is employment, housing, or commercial, on the Lafarge brownfields would likely help the city to meet *intensification targets*. What is almost certain is that the type of development proposed by Rosewater will not meet the density targets required by Places to Grow. While I am not aware of the specific density requirements of this site, I do know that the minimum density target for greenfield development is not less than 50 residents and jobs combined per hectare. This is also the minimum density required to make a development “transit-supportive”

Recent applications for big box development on the Westminster site and for the Wal-Mart expansion revealed that job projections for similar types of development on these sites did not meet this minimum requirement. In the case of the Westminster Market site, the average projected appeared to be only 35 jobs per hectare.

At the other end of the spectrum, Downtown Guelph has been designated as an Urban growth centre, with a density target of 150 residents and jobs combined per hectare to be achieved by 2031. We will not achieve these targets if we undermine the viability of the downtown by establishing a new commercial centre in close geographic proximity.

I am wondering if the City has yet established density targets for intensification areas outside the Downtown, but within intensification areas.

In Section 2.2.3 of Places to Grow, “General Intensification”, municipalities are directed to establish these density targets.

2.2.3 General Intensification

6. All municipalities will develop and implement through their official plans and other supporting documents, a strategy and policies to phase in and achieve intensification and the intensification target. This strategy and policies will –

g) identify the appropriate type and scale of development in intensification areas

h) include density targets for urban growth centres where applicable, and minimum density targets for other intensification areas consistent with the planned transit service levels, and any transit-supportive land-use guidelines established by the Government of Ontario.

7. All intensification areas will be planned and designed to –

e) generally achieve higher densities than the surrounding areas.

I would request that in preparing their response to the Rosewater proposal, that Community Development and Design staff provide some information specific to that site regarding density requirements.

d) there is existing or planned infrastructure to accommodate the proposed conversion

This appears to be a critical outstanding issue in regards to the need for an underpass under the rail line on from Silvercreek Pathway. There is no existing or planned infrastructure to accommodate the proposed conversion.

For the purposes of this policy, major retail uses are considered non-employment uses.

I would say that this statement is the crux of the matter. While Rosewater's consultants correctly identify Provincial concerns regarding the conversion of employment lands to housing, the Province is also concerned about the conversion of employment lands to major retail. This would indicate that the requirements outlined in 2.2.6.5 of Places to Grow would need to be met before any conversion could take place.

As this matter is now also before the Ontario Municipal Board, I would like to quote an excerpt from the Ministry of Public Infrastructure and Renewal Technical Backgrounder on Municipal Conformity to the Places to Grow Act, 2005.

The Places to Grow Act, 2005 sets out the statutory requirements for implementing the Growth Plan:

- *All decisions under the Planning Act and Condominium Act, 1998 shall conform to the Growth Plan as of the effective date (Section 14). These include many decisions made by:*
 - *Municipalities and municipal planning authorities*
 - *The Province, where it is the approval authority represented by the Ministry of Municipal Affairs and Housing*
 - *The Ontario Municipal Board*
- *Municipalities shall bring their official plans into conformity with the Growth Plan within three years of the Growth Plan coming into effect (Section 12)*

9. Municipalities are encouraged to designate and preserve lands within settlement areas in the vicinity of existing major highway interchanges, ports, rail yards and airports as areas for manufacturing, warehousing and associated retail, office and ancillary facilities, where appropriate.

While the central location of these lands and the proximity to the Hanlon Expressway makes them attractive to a commercial developer, it renders them even more important from an employment perspective. The location on a railway route is also key. There has been discussion in the media and on the part of the Neighbourhood Group about a possible GO Train station on this site.

10. In planning lands for employment, municipalities will facilitate development of transit-supportive, compact built form and minimize surface parking.

The site plan submitted by the developer does not likely meet transit-supportive density requirements of 50 jobs per hectare. It does not propose compact built form and surface parking is maximized, not minimized.

b) Tax implications of the proposed conversion.

One issue on which there has been ongoing consensus around the horseshoe, both with the past and current Councils, is the question of the imbalance in the tax base of residential vs. ICI. A key requirement to attract industry to Guelph is the availability of industrial land.

From the perspective of net tax revenues, commercial and industrial impacts on the tax base are radically different.

On July 6, 2006, Gary Scanlon of C.N. Watson and Associated Ltd made a presentation to some members of the Council of the day, as well as a few members of the public. Based on studies of Milton, Mr. Scanlon presented figures on the net Commercial/Industrial Development Impact on the tax base, based on 10,000 sq. ft. buildings.

Mr. Scanlon's figures were startling. While all these businesses remitted taxes to the municipality, the demand for services by commercial developments outweighed the value of the taxes they remitted.

The figures presented for the Annual Operating Surplus (Deficit) were as follows (based on a 10,000 sq. ft. building). (They can be found on p.37 of Mr. Scanlon's presentation).

Neighbourhood Plaza	\$ (2,132.39)
Large Industrial Building	\$ 7,115.87
Light Industrial Units	\$ 4,219.99

If these same figures are extrapolated for the Lafarge site, using 400,000 square feet of either commercial or industrial space as the guideline, the annual results are as follows.

Commercial Development	\$(85,295.60)
Large Industrial	\$284,634.80
Light Industrial	\$168,799.60

As you can see, the contrast between an annual net loss of \$85,000, versus net revenues of \$285,000 is extremely significant.

I recognize that my calculations above are a somewhat crude application of the data generated by C.N. Watson for Milton. However, I believe the trends likely hold true for Guelph as well.

It is my understanding that C.N. Watson had been engaged by the City to conduct similar studies specific to Guelph. I wonder if that data is available yet.

Again, in responding to the proposal from Rosewater, I would like to request that the tax impacts of a conversion from industrial to commercial land be clearly quantified.

c) Phasing requirements

The Official Plan Amendment #29 approved by the previous Council never adequately addressed the issue of phasing. Under a medium growth scenario, the additional retail space to be added was identified as 1,926,000 square feet. Under a high growth scenario, this rises to 2,220,000 square feet. My understanding is that these amounts were based on market studies to meet the consumer needs of the population. However, as the planning department identifies, the square footage added is to meet anticipated needs to the year 2021. It is now 2008, 13 years from that date.

Careful attention needs to be paid to the impacts on other commercial enterprises in the City if this square footage is added too quickly. Background documents provided for OPA #29 stated that "By the year 2021, Guelph is expected to be a city of approximately 140,000 people". That is not currently the case. We need to plan carefully so as not to create an over-supply of commercial space which may trigger negative impacts on the existing balance of retail.

The 2005 Provincial Policy Statement specifically mandates that phasing policies be implemented:

1.1.3.8. Planning authorities shall establish and implement phasing policies to ensure the orderly progression of development within designated growth areas and the timely provision of infrastructure and public service facilities required to meet current and projected needs. -

According to the definitions section of the PPS, **Designated growth areas:** *means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.*

The 2005 Provincial Policy Statement also has further implications for the timing of development at the site in question:

1.1.3.6 Planning authorities shall establish and implement phasing policies to ensure that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas.

The previous Council set specified targets for commercial intensification and redevelopment in their decision of July 25th, 2005 regarding the Allocation of Commercial Space. The targets specified for "Downtown Intensification Centre, Neighbourhood, Convenience and Existing Centres" were 350,000 square feet under a medium growth scenario and 500,000 square feet under the High Growth scenario.

The PPS indicates that these targets must be achieved *prior to, or concurrent with*, new development within designated growth areas. It appears that this legislation will also apply to other major commercial nodes identified within OPA #29.

I am wondering what the status is regarding the development of Phasing Policies for Guelph? I am not aware that any intensification has yet taken place either in the downtown or in existing commercial areas. The realization of these intensification targets as mandated by Places to Grow may delay further commercial development in the north and east commercial nodes, let alone allow for the addition of further commercial space at the Lafarge site.

e) Impacts of changes in Policy and Market Approaches

I was a participant in the Commercial Policy Review process and specifically, the workshop held by Meridian Consulting on May 3rd, 2005. Their Participant Background Booklet offered three choices of Policy Approaches: Controlled Hierarchy, Maximum Choice and Flexible Control. The Policy Approach adopted by the Council of the day was Flexible Control.

Four Market Approaches were also outlined: Residual – Medium Growth, Residual – High Growth, Residual – High Growth Over-Supply and Oversupply. The Council of the day allocated commercial space according to the first two scenarios: Residual – Medium Growth and Residual – High Growth.

Given the proposal by Rosewater to add another 400,000 square feet of commercial space to the City inventory, I think it is important to examine the Policy and Market Approaches that were rejected.

Maximum Choice is the most “market driven” scenario. It is defined on p. 11 of the Background Booklet as follows:

The maximum choice option/approach generally designates more land than is needed to meet market needs in order to provide the opportunity for a full range of commercial uses, a high degree of competition and consumer choice. Lands with suitable characteristics for a complete range of commercial uses are identified but the function and timing of development is left up to the market place. No market studies are required.

The cons of this approach were identified as follows:

- *More appropriate in built out communities – in developing areas it can impact downtown.*
- *In development areas it can preclude the development of some commercial areas and result in over-concentration in others leading to imbalance in the distribution and choice throughout the City*
- *Can result in the transportation and infrastructure network playing 'catch-up'*

In terms of the Market Approaches, Residual – High Growth and Over-Supply and Oversupply were not chosen.

The amount of Commercial Space identified in the Residual – High Growth Over Supply was 2,460,000 square feet, not far from what we would have if 400,000 additional square feet of retail was added to the 1,926,000 square feet already approved under a medium growth scenario. If these 400,000 additional square feet are added to the 2,220,000 square feet approved under a high growth scenario, we may be entering a situation of Over Supply.

Here is what the Participant Background Booklet prepared by Meridian Consulting had to say about these two scenarios on p.15.

Residual – High Growth Over-Supply

Description: *Using the High Population Growth Scenario residual plus 20% to promote market competition, designate sufficient lands to meet the identified need. This assumes that there will be some acceptable level of sales transfers from existing operations.*

Additional Commercial Space: *2,460,000 square feet.*

Pros:

- *Outflows may be minimized*
- *Consumer choice will be improved*

Cons:

- *May result in sales transfer impacts to the downtown and other centres leading to a deteriorated condition.*
- *May limit the ability to allow increased flexibility in terms of use permissions for existing commercial areas.*
- *It may inhibit or lengthen the timeframe for the development of some emerging commercial areas.*

Oversupply

Description: The oversupply approach generally designates more land than is needed to meet identified market needs in order to provide the opportunity for a full range of commercial uses, a high degree of competition and consumer choice. Lands with suitable characteristics for a range of commercial uses are identified. It assumes that sales transfers and store closures will occur in response to market changes.

Additional Commercial Space: *Whatever the land supply can accommodate and what the market will bear.*

Pros:

- *Flexibility is provided to respond to changing market conditions.*
- *Can stem outflow and improve consumer choice.*

Cons:

- *It can result in significant impacts to the downtown*
- *It could inhibit the revitalization of existing commercial centres.*
- *It can preclude the development of some commercial areas and result in over-concentration in others leading to imbalance in the distribution of commercial choice.*

The Cons listed for Residual High Growth Over-Supply and Oversupply make it self-evident why Armel Corporation and 6 & 7 Developments have requested party status at the OMB hearing on this site.

My own concerns centre on impacts on the downtown. This also needs to be a concern of Council, since the Places to Grow Growth Plan prioritizes development in our downtown.

2.2.4.4. Urban growth centres will be planned -

- a) as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses*
- b) to accommodate and support major transit infrastructure*
- c) to serve as high density major employment centres that will attract provincially, nationally or internationally significant employment uses*
- d) to accommodate a significant share of population and employment growth.*

Downtown Guelph will be "planned to achieve, by 2031, or earlier, a minimum gross density target of - c) 150 residents and jobs combined per hectare."

Planning and density targets will not be achievable if the viability of the downtown is undermined by the addition of further commercial space in a location in close proximity. A looming economic downturn could also further exacerbate the impact of the proposed development.

e) Commercial Policy Review Process and OPA #29

As a participant in the Commercial Policy Review Process, I find the allegation that Council “refused or neglected” to rezone the land in question to be completely absurd.

At the May 5th, 2005 workshop hosted by Meridian Consulting, the Hanlon at Silvercreek Node was presented to the public as one of the three geographic options: #3 Expand Current Nodes and add new Nodes.

The consultant evaluated each geographic option according to 15 criteria.

Here are the results which I copied from Appendix One attached to the Participant Background Booklet provided by Meridian relating to the Lafarge site:

Locational Factors

Opportunities for Surrounding Areas: The location of a new node in close proximity to the Willow West Mall may affect the ability to redevelop or revitalize this facility.

Equitable Distribution: Centrally located within the City

Consistency with Growth Patterns: Central location for city-wide serving uses relative to existing and future growth.

Servicing/Infrastructure

Efficient use of infrastructure: Former industrial site – adequacy of existing servicing to accommodate this scale of development is unknown.

Appropriate phasing: More detailed infrastructure analysis is required to determine if phasing is required.

Transportation

Adequacy of transportation network: The redevelopment of these lands has in the past been tied to the provision of a second means of access via an underpass at Paisley. Transportation network capacity or feasibility to support this scale of development is not known.

Market Implications

Market Reality and Intended Function: Proposed node location would function appropriately from a retail market perspective and private sector interest has been expressed.

Impact on choice and outflow: Accommodates anticipated need and would assist in improving choice and reducing outflow.

Future Incremental Expansion: Node is physically defined with clear limits.

Downtown

Implications on the role and function of the downtown: The implications of creating a new node of this magnitude in close proximity to the downtown need to be assessed.

Land Use Compatibility

Compatibility with adjacent land uses: Generally considered compatible provided that transportation impacts on the existing surrounding neighbourhoods are adequately addressed.

Urban design opportunities: *Opportunity to create a well designed commercial or mixed use infill project.*

Administrative

Process complexity – risk of legal challenges: *Introduction of a new node may result in legal challenges to implementing planning instruments.*

Fairness and clarity of policy framework: *Addresses most of the major criticisms of existing framework by retaining a structured approach but introducing greater market flexibility.*

Provincial Policy: *Intensification of the use of Inner City lands is consistent with the Places to Grow Strategy.*

It was my impression that based on written submissions, not one member of the general public chose Option 3, Expand Current Nodes and Add New Nodes.

Inclusion of the Silvercreek at Hanlon node was not recommended by the Planning Department.

At the June 27, 2005 Planning and Transportation Committee meeting, many delegations from the Howitt Park neighbourhood expressed concerns about the inclusion of Lafarge property in the Commercial Policy Review. Members of the public also expressed their concerns about a lack of mixed-use development and the emphasis on huge big-box style nodes, primarily dependent on automobile transport.

The minutes also record that “Robin Lee Norris on behalf of the Rosewater Management Group advised that she is asking that the Planning, Environment and Transportation Committee to amend the report to include the Lafarge lands as a new commercial node.”

This amendment was moved by Councillor Billings and Seconded by Councillor Bailey, “THAT Council direct staff to evaluate any proposal submitted for the use of the Lafarge lands for commercial purposes with community input and provide an update and recommendations regarding this matter prior to the consideration of Official Plan amendments and Zoning amendments for the Commercial Policy Review.”

The minutes record that this motion was defeated.

In reviewing the minutes of the July 25th, 2005 Council meeting, it does not appear that a delegation from Rosewater was in attendance. There is no record of a motion regarding inclusion of the Lafarge lands in the Allocation of Commercial Space.

On March 13, 2006, Official Plan Amendment #29 came before City Council. The minutes state the following: “Robin-Lee Norris was present to request the support of including the LaFarge lands as a special study area as part of the Commercial Policy. She suggested that if they are not recognized as a special study area, they will repeatedly be coming back to Council for amendments and she therefore urged Council to recognize their lands and their use as a special study area.”

Councillor Birtwistle put forward the following motion, seconded by Councillor Moziar. "THAT the OPA #29 be amended by adding the following paragraph: '7.4.53 The property known as LaFarge lands, located on SILVERCREEK PARKWAY SOUTH and bounded by the CNR rights-of-way and the HANLON CREEK PARKWAY, shall be designated a Special Study Area that does not pre-assume any particular future land use as it is experiencing pressure for significant land use change. Designation as a Special Study Area will require all necessary appropriate studies and public consultation, involving land owners, government agencies, conservation authorities and the general community to determine the future land use concept.'

AND THAT Schedule 1, the map titled, Land Use Plan Incorporating OPA #29, be amended to reflect the LaFarge property as a Special Study Area."

The minutes record that a majority of Council defeated this motion.

In conclusion, the Lafarge property was proposed and evaluated as a potential commercial site by Meridian consulting. According to records of written input and oral delegations, it was not supported by members of the general public or residents of adjoining neighbourhoods. Inclusion of the Lafarge site in the Allocation of Commercial Space and OPA #29 was not recommended by the Planning Department. Motions to include the Lafarge lands as a special study area were defeated both at the Committee and Council levels.

A lengthy and detailed process to consider this site for commercial development has already been followed and it has been rejected.

The allegation that Council "refused or neglected" to rezone the property is simply not based in fact.

f) OMB Considerations:

The Provincial Policy Statement (2005) and the Places to Grow Growth Plan (2006) are relatively new pieces of legislation. Few precedents regarding these documents exist at the OMB. I encourage Guelph City Council to uphold the integrity of our Official Plan at the OMB. I believe it is important that sections of the new legislation be tested at the OMB, in particular, the Places to Grow assertion that Major Retail is considered a non-employment use, as well as requirements for intensification, density targets and mixed-use development.

Another relevant piece of legislation is Bill 51 on OMB reform. I am also interested to see if this new act has any teeth. It is my understanding that Bill 51 requires that the "clock start running for referral to the OMB only after a complete application has been submitted", so I am unsure why the City was dragged to the OMB before a site plan was submitted.

Based on the processes followed, the Provincial Policy Statement and the Places to Grow Growth Plan, I think the City has a strong case to make at the OMB for turning down the request for rezoning of the Lafarge site submitted by Rosewater Management Group.

g) Alternatives

The Lafarge site is a significant piece of land with a strategic location both on a rail line and beside a highway. It is also in close proximity to mature neighbourhoods and not far from the downtown.

Tremendous opportunity exists for creative intensification and to achieve density targets. A number of interesting ideas have already been circulating within the community.

Perhaps the best guidelines are the ones offered in the Places to Grow Growth Plan:

2.2.3 General Intensification

- 7. All intensification areas will be planned and designed to –*
 - a) cumulatively attract a significant portion of population and employment growth*
 - b) provide a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods*
 - c) provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places*
 - d) support transit, walking and cycling for everyday activities*
 - e) generally achieve higher densities than the surrounding areas*
 - f) achieve an appropriate transition of built form to adjacent areas.*

I would like to see development which primarily retains the employment designation of these lands. Compatible uses would be something like the new information technology data centre which will be built in the south end, or a new campus for Connestoga College. As envisioned by Places to Grow, these employment uses would be mixed with housing and high quality public open space. Small-scale, ground floor retail designed to serve the employment area and surrounding neighbourhood could also be part of the mix.

Vertical integration of mixed use development is something which is identified in the Guelph-Wellington Transportation Study as helping to reduce travel distances. It would also help the City to achieve density and intensification targets on this site.

The current proposal submitted by Rosewater does not reflect the vision of neighbours, Guelph citizens, the Official Plan, the Provincial Policy Statement or Places to Grow.

The City of Guelph does not owe these developers a return on their speculative purchase of this industrial site.

Susan Watson
February 27, 2008

City of Guelph

Development Priorities Plan Workshop

July 6, 2006

C. N. Watson and Associates Ltd.

4304 Village Centre Court

Mississauga, L4Z 1S2

905-272-3600

Workshop Purpose

- To overview the implications of growth from a municipal finance perspective
- To provide a basis for future strategies to assist in long term decision making by Council
- To assist Council in developing policies to guide the preparation of operating and capital plans... understanding what choices are available and the implications of those choices

1. Commercial/Industrial Development

Impact

(based on 10,000 sq. ft. Building)

Financial Component	Neighbourhood Plaza	Medical Clinic Building	Large Industrial Building	Light Industrial Units
<u>Operating Expenditures</u>				
Occupancy	25	25	11	11
X \$ 212.01 /employee				
Sub-Total	\$ 5,300.29	\$ 5,300.29	\$ 2,332.13	\$ 2,332.13
<u>Capital Spending from Current Budget</u>				
35% of other operating expenditures	\$ 1,855.10	\$ 1,855.10	\$ 816.24	\$ 816.24
Total Annual Expenditures	\$ 7,155.39	\$ 7,155.39	\$ 3,148.37	\$ 3,148.37
Property Tax Revenue Increase	\$ 2,750.00	\$ 4,001.82	\$ 9,264.24	\$ 6,368.36
Non-Tax Revenue	25	25	11	11
Occupancy				
X \$ 90.93 /employee				
TOTAL ANNUAL REVENUES	\$ 5,023.00	\$ 6,274.82	\$ 10,264.24	\$ 7,368.36
Annual Operating Surplus (Deficit)	\$ (2,132.39)	\$ (880.57)	\$ 7,115.87	\$ 4,219.99

Note: Does not include the Development Charge funding gap should Council discount the development charge.



Technical Backgrounder Municipal Conformity

INTRODUCTION

On June 16, 2006, the Government of Ontario released the Growth Plan for the Greater Golden Horseshoe, 2006. It was prepared under the Places to Grow Act, 2005, as part of the Places to Grow initiative to plan for healthy and prosperous growth throughout Ontario.

The Growth Plan aims to:

- Revitalize downtowns to become vibrant and convenient centres
- Create complete communities that offer more options for living, working, shopping and playing
- Provide greater choice in housing types to meet the needs of people at all stages of life
- Curb sprawl and protect farmland and greenspaces
- Reduce traffic gridlock by improving access to a greater range of transportation choices.

CONFORMITY REQUIREMENTS UNDER PLACES TO GROW ACT, 2005

The Growth Plan provides policy direction for implementing the Government of Ontario's vision for building stronger, more prosperous communities in the Greater Golden Horseshoe.

The *Places To Grow Act, 2005* sets out the statutory requirements for implementing the Growth Plan:

- All decisions under the *Planning Act* and *Condominium Act, 1998* shall conform to the Growth Plan as of the effective date (Section 14). These include many decisions made by:
 - o municipalities and municipal planning authorities
 - o the Province, where it is the approval authority represented by the Ministry of Municipal Affairs and Housing
 - o the Ontario Municipal Board
- Municipalities shall bring their official plans into conformity with the Growth Plan within three years of the Growth Plan coming into effect (Section 12).

If in the Minister's opinion, an official plan does not conform with the Growth Plan or if an official plan has not been brought into conformity with the Growth Plan within three years of the Growth Plan coming into effect, the Minister of Public Infrastructure Renewal may request a change to the official plan to resolve non-conformity (Section 13).

The Minister of Public Infrastructure Renewal, jointly with the Minister of Municipal Affairs and Housing, may amend an official plan to resolve non-conformity (Section 13).

The *Places to Grow Act, 2005*, also provides direction to decision-makers in the event of certain conflicts with the Growth Plan:

- If a municipal official plan or by-law conflicts, the Growth Plan prevails.
- If the *Provincial Policy Statement, 2005* conflicts, the Growth Plan prevails, unless the conflict is between policies relating to the natural environment or human health. In that case, the direction that provides more protection to the natural environment or human health prevails.
- If the Greenbelt, Niagara Escarpment or Oak Ridges Moraine Conservation Plan conflicts with the Growth Plan regarding the natural environment or human health, then the direction that provides more protection to the natural environment or human health prevails.

Detailed conflict provisions are set out in the *Places to Grow Act, 2005*.

CONFORMITY APPROACH

The Ministry of Public Infrastructure Renewal has been working closely with partner ministries on ensuring effective implementation of Growth Plan policies while maintaining a clear, consistent process for stakeholders in the planning process.

The One Window provincial planning service is the protocol used by Provincial ministries to provide municipalities, planning boards, developers and the public with one-stop access to provincial planning services - provincial review/input, approval and appeal of planning applications and matters. Through the One Window protocol, the Ministry of Municipal Affairs and Housing is the lead ministry on *Planning Act* matters, co-ordinating a provincial position and advice to municipalities on provincial land use policy.

The Ministry of Public Infrastructure Renewal will join the One Window protocol, and through it, the Ministry of Public Infrastructure Renewal will review matters and decisions on key growth related interests and work closely with partner ministries to provide a co-ordinated position and advice on municipal proposals and decisions.

While the Ministry of Municipal Affairs and Housing is the primary contact for internal and external clients on *Planning Act* matters, the Ministry of Public Infrastructure Renewal may deal directly with applicants and municipalities on technical issues that are directly related to the Growth Plan.

In order to ensure that municipalities and other stakeholders understand the Growth Plan policies and the way in which they work together to implement the vision for growth management in the Greater Golden Horseshoe Area, the Ministry of Public Infrastructure Renewal will work with partner ministries to provide training and supplementary educational material on key Growth Plan policies.

CONTACT INFORMATION

For more information about the *Places to Grow Act, 2005*, and municipal conformity to the Growth Plan for the Greater Golden Horseshoe please contact the Ontario Growth Secretariat:

MAILING ADDRESS:

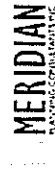
777 Bay Street, 4th Floor
Toronto, ON M5G 2E5

Phone: 416-325-1210
Toll-free phone: 1-866-479-9781
Fax: 416-325-7403
Email: placestogrow@pir.gov.on.ca

**Participant
Background Booklet**

**City of Guelph
Commercial Policy Review Consultation Workshop**

May 3rd, 2005



City of Guelph Commercial Policy Review Workshop
Participant Background Booklet

Part I - Policy and Market Approach Options

In the background component of the Commercial Policy Review there were three policy approaches to commercial planning which were identified (the “how”) and three general market approaches (the “how much”).

Policy Approaches

The three policy approaches were defined as follows:

Policy Approach	How it is Applied	Pros	Cons
<p>Controlled Hierarchy</p> <p>The controlled hierarchy approach is consistent with the current Official Plan structure and could in fact be strengthened. The approach establishes a fairly tightly defined planned function for each commercial area and use controls on the amount, type and size of commercial floor space. The approach also requires the need for market studies to assess market impact in regard to new commercial designations or for proposals above the identified threshold.</p>	<ul style="list-style-type: none"> • Distinct Hierarchy - Neighbourhood, Community, Sub-Regional, Regional designations • Limits on size of designation - 100,000 Neighbourhood, 300,000 Community, 300-600,000 Sub-Regional, 600+ Regional • May continue to have multiple designations in commercial areas • Limiting use permissions to targeted or anticipated uses by location (i.e. food, department store) • Possible limits to individual store sizes 	<ul style="list-style-type: none"> • Controls the amount of space to anticipated market demand. • Can help to protect the downtown function and the planned function of other centres • Transportation infrastructure can be implemented with anticipated phasing of commercial development. 	<ul style="list-style-type: none"> • Can result in numerous planning approvals and appeals • Limits can become outdated quickly • Outflow to other centres can be significant • Consumer choice can be limited • Can 'protect' sites that may not develop for years • Multiple designations can lead to incremental concentration of use in a geographic area. • Complicated and can be confusing to understand.



<p>Market impact studies for new designations or store sizes to evaluate impact on downtown and other commercial areas.</p> <ul style="list-style-type: none"> Can leverage urban design improvements through planning approvals. Mechanism to evaluate additional designation proposals incorporated. 	<ul style="list-style-type: none"> Designate commercial areas based on location, transportation and land use matters only. No size restrictions or use restrictions Focus on urban design not uses 	<ul style="list-style-type: none"> Maximum flexibility to respond to changing market conditions Can stem outflow and improve consumer choice Simple and easy to understand 	<ul style="list-style-type: none"> More appropriate in built out communities - in developing areas it can impact downtown In developing areas it can preclude the development of some commercial areas and result in over-concentration in others leading to imbalance in the distribution and choice throughout the City Can result in the transportation and infrastructure network playing 'catch-up'.
<p>Maximum Choice The maximum choice option/approach generally designates more land than is needed to meet market needs in order to provide the opportunity for a full range of commercial uses, a high degree of competition and consumer choice. Lands with suitable characteristics for a complete range of commercial uses are identified but the function and timing of development is left up to the market place. No market studies are required.</p>			



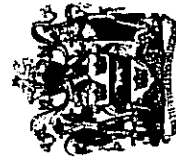
Flexible Control

The flexible control approach designates an adequate amount of land in strategic locations consistent with anticipated demand. The approach focuses on designating major nodes and establishes size limits to these nodes but lets the market and location determine function. Market studies are not required for development within a node and are only required to create a new node or expand an existing node.

- Limited Hierarchy - designate major nodes as a whole. Result is likely a Neighbourhood category and a Major Node category.
- Geographic limits on size of nodes as a whole to meet municipal objectives - i.e. balanced distribution, downtown viability, phasing, servicing limits
- Phasing to control the amount of development at any one time possible. - mechanism to evaluate additional designation proposals incorporated.
- Market studies only to expand geographic extent of node
- Treat all lands within the node the same and let market determine what uses go where (i.e. eliminate distinction on sides of roads)
- Focus on key urban design criteria for with each node

- Controls the amount of space to anticipated market demand.
- Can help to protect the downtown function and the planned function of other centres.
- Transportation infrastructure can be implemented with anticipated phasing of commercial development
- Relatively simple and easy to understand
- Relatively flexible to respond to changing market circumstances.

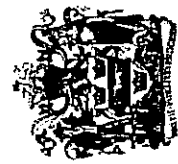
- May still have some level of outflow to other centres.
- Consumer choice can be limited
- Can 'protect' sites that may not develop for years - thus requires monitoring to maintain appropriate land supply - demand balance.



Market Approaches

There were three market approaches outlined in the background report. The approach referred to as the residual approach also contained two more defined options based on the growth scenario considered. The three options were defined as follows:

Approach & Description	Additional Commercial Space	Pros	Cons
Residual - Medium Growth Using the Reference or Medium Population Growth Scenario limit the amount of designated land to meet anticipated need without potential sales transfers from existing operations.	2006 Need: 775,000 2021 Additional Retail: 850,000 2021 Additional Service: 300,000 Total: 1,925,000	-The approach provides a 'conservative' estimate of need and thus reserves some space for development in the downtown and existing commercial areas -It would also allow increased flexibility in terms of use permissions for existing commercial areas	-Outflows to other centres can be significant -Consumer choice can be limited -Growth may exceed Reference projection leading to under-supply of commercial land and pressure for additional commercial development.
Residual - High Growth Using the High Population Growth Scenario limit the amount of designated land to meet anticipated need without potential sales transfers from existing operations.	2006 Need: 775,000 2021 Additional Retail: 1,260,000 2021 Additional Service: 400,000 Total: 2,225,000	-The approach provides a reasonable estimate of need while at the same time limiting impacts of new space on the downtown and existing commercial areas -It would also allow increased flexibility in terms of use permissions for existing commercial areas	-Some outflows to other centres can be expected -Consumer choice can be limited -Careful monitoring of the commercial land supply is required to guard against an under-supply of commercial land occurring



<p>Residual - High Growth Over-Supply</p> <p>Using the High Population Growth Scenario residual plus 20% to promote market competition, designate sufficient lands to meet the identified need. This assumes that there will be some acceptable level of sales transfers from existing operations.</p>	<p>2006 Need: 930,000 2021 Additional Retail: 1,050,000 2021 Additional Service: 480,000 Total: 2,460,000</p>	<p>-Outflows may be minimized. -Consumer choice will be improved.</p>	<p>-May result in sales transfer impacts to the downtown and other centres leading to a deteriorated condition. -May limit the ability to allow increased flexibility in terms of use permissions for existing commercial areas -It may inhibit or lengthen the timeframe for the development of some emerging commercial areas.</p>
<p>Oversupply</p> <p>The oversupply approach option generally designates more land than is needed to meet identified market needs in order to provide the opportunity for a full range of commercial uses, a high degree of competition and consumer choice. Lands with suitable characteristics for a range of commercial uses are identified. It assumes that sales transfers and store closures will occur in response to market changes.</p>	<p>Whatever the land supply can accommodate and what the market will bear.</p>	<p>-Flexibility is provided to respond to changing market conditions -Can stem outflow and improve consumer choice</p>	<p>-It can result in significant impacts to the downtown -It could inhibit the revitalization of existing commercial centres. -It can preclude the development of some commercial areas and result in over-concentration in others leading to imbalance in the distribution commercial choice.</p>



The three geographic options with respect to the commercial nodes are described as follows and are illustrated on the following maps:

Option	Description	
1	Intensify and Expand Existing Nodes (Increase commercial potential at all existing nodes)	<ul style="list-style-type: none"> • Creates similar sized nodes for east and west residential areas - similar populations at build-out • Creates two larger nodes at north and south ends of City • Limits extent of Stone Road node to existing defined area about 350,000 square feet
2	Promote further concentration at Stone Road (increase commercial potential at all existing nodes with the largest increase to the Stone Road node)	<ul style="list-style-type: none"> • Stone Road would expand by a further 650,000 sq ft to a total node of 1.725 million sq. ft. • Creates similar sized nodes for east, west and south residential areas - similar populations at build-out • One larger node (600,000 sq. ft) at Woodlawn/Woolwich
3	Expand Current Nodes and add new Nodes [increase commercial potential at all existing nodes and provide for commercial potential at a new node(s)] also limits the geographic extent of Stone Road but allows for intensification	<ul style="list-style-type: none"> • Creates similar sized nodes for east, west and south residential areas - similar populations at build-out • One larger node (600,000 sq. ft) at Woodlawn/Woolwich • Limits extent of Stone Road node to existing defined area - about 350,000 additional sq. ft. • Adds one new node of approximately 400,000 sq. ft. - anticipated primarily for City wide serving uses. Two locations identified: <ul style="list-style-type: none"> o Hanlon at Laird o Hanlon at Silvercreek



**Summary of Commercial Potential - Option 3
Expand Current Nodes and Add New Node**

	West Hills	Woodlawn/Woolwich	Eastview	Stone Road	SGDS	New Node
Total Existing	103,000	120,000	127,000	1,075,000	90,000	
Total New	305,000	480,000	137,000	350,000	355,000	
Total Node	410,000	600,000	264,000	1,425,000	445,000	400,000

Pros	Cons
<ul style="list-style-type: none"> • Node size reflects existing commercial trends with respect to building sizes, range of commercial activities and market location requirements. • Provides similar commercial opportunity for each major residential area. • Provides an additional location for future retail uses serving the whole of the City. <p><i>Hanlon at Laird:</i></p> <ul style="list-style-type: none"> o Location consistent with current market trends o May support the development of the Hanlon Creek Business Park o Might help balance the larger City wide serving node at Woodlawn/Woolwich o Provides additional space for south end trade area residents <p><i>Hanlon at Silvercreek</i></p> <ul style="list-style-type: none"> o Central location for city wide serving uses o Intensification of under-utilized brownfield lands o Easily accessible from all areas of the City o Defined node limits exist 	<ul style="list-style-type: none"> o To accommodate the additional node the size of the nodes in the west, east and south residential communities are capped. o Alternative locations will impact the existing commercial structure differently. <p><i>Hanlon at Laird:</i></p> <ul style="list-style-type: none"> o Auto dependant location at periphery of City o Will likely affect the development and timing of the SGDC o Significant land holdings exist which could create pressure for additional commercial development beyond identified need <p><i>Hanlon at Silvercreek</i></p> <ul style="list-style-type: none"> o Transportation network capability of supporting this scale of development is limited o Introduces another major node near the downtown which may cause impacts

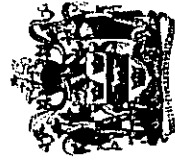


Evaluation Criteria

In order to evaluate the geographic options, a set of evaluation criteria were developed in the background report. The evaluation criteria are described as follows:

Locational Factors	Evaluation Criteria
Opportunities for Surrounding Areas	
Equitable Distribution	
Consistency with Growth Patterns	
Servicing Infrastructure	
Efficient use of infrastructure	
Appropriate phasing	
Transportation	
Adequacy of transportation network	
Market Implications	
Market Reality & Intended Function	
Impact on choice and outflow	
Future Incremental Expansion	
Downtown	
Implications on role and function of the downtown	
Land Use Compatibility	
Compatibility with adjacent land uses	
Urban design opportunities	
Administrative	
Process complexity - risk of legal challenges	
Fairness and clarity of policy framework	
Provincial Policy	

A draft evaluation of the geographic options using the evaluation criteria is provided in Appendix 1 to the background booklet for further reference.



Appendix 5
Allocation of Commercial Space – AS APPROVED BY COUNCIL JULY 25TH, 2005

Commercial Need (in square feet) – Source: RDA 2004			
	Description	Medium Growth	High Growth
Sub-Category	Food	300,000	345,000
	General Retail	1,056,000	1,175,000
	Service Commercial Retail	270,000	300,000
	Services/Other	300,000	400,000
Total		1,926,000	2,220,000
Less Intensification Space*	<i>Downtown, Intensification Centres Neighbourhood, Convenience and Existing Centres</i>	350,000	500,000
Sub-Total		1,576,000	1,720,000
Woodlawn/Woolwich	<i>Commercial cap within the mixed use node</i>	400,000	450,000
West Hills		400,000	450,000
Eastview		300,000	300,000
South Guelph District Centre		500,000	520,000



City of Guelph

Report: 08-25

COMMUNITY DESIGN AND DEVELOPMENT SERVICES

TO: Council

DATE: 2007/03/03

**SUBJECT: 35 AND 40 SILVERCREEK PARKWAY SOUTH: PROPOSED OFFICIAL
PLAN AND ZONING BY-LAW AMENDMENTS (OP0506/ZC0516)**

RECOMMENDATION:

"THAT Report 08-25 dated March 3, 2008 regarding an application for an Official Plan amendment and Zoning By-law amendment for 35 and 40 Silvercreek Parkway South from Community Design and Development Services BE RECEIVED."

SUMMARY:

This report provides information on an Official Plan and Zoning By-law amendment application from Black, Shoemaker, Robinson and Donaldson Ltd. on behalf of Silvercreek Developments Limited for property municipally known as 35 and 40 Silvercreek Parkway South. This application has been appealed to the Ontario Municipal Board and Council is expected to establish a position on the application prior to a pre-hearing conference scheduled for June 12, 2008.

BACKGROUND:

This application is for an Official Plan and Zoning By-law Amendment from Silvercreek Guelph Developments Limited for the properties municipally known as 35 and 40 Silvercreek Parkway South and legally described as Part of Lots 2 and 3, Concession 1, Division 'E' and Part of Lots 3, 21 and 22, Division 'A' and Part of Lots 7, 8, 9, 11, 12, D and E and Part of Napoleon Street (closed by Judges Order Instrument #B21-12480) and all of Lot 10, Registered Plan 52 in the City of Guelph.

Location: The subject site is a vacant parcel of land located both east and west of Silvercreek Parkway South and bounded to the north by the Canadian National Railway main line, to the south by the Canadian National Railway secondary line, and to the west by the Hanlon Parkway (See **Schedule 1**).

Current Official Plan Designation: The property is designated 'Industrial' in the City of Guelph Official Plan. This designation permits a range of industrial and employment land uses including manufacturing, warehousing, research facilities, transportation terminals, and other complementary uses. A full range of uses is shown in the relevant Official Plan policies listed in **Schedule 2**.

Existing Zoning: The site is zoned B.4 (Industrial). **Schedule 3** lists the permitted uses in the B.4 Zone.

Application History: The application was originally submitted in the fall of 2005. The applicants originally requested to change the Official Plan land use designation from 'Industrial' to 'Community Commercial' and 'Open Space' (See **Schedule 4** for proposed Official Plan designations) and the Zoning from the B.4 (Industrial) Zone to a Specialized Community Shopping Centre with a portion of the site in the FL(Floodway) and P.3 (Community Park) zones (See **Schedule 5** for proposed Zoning). The size of the commercial node was requested to be up to 450,000 square feet (41,800 square metres). The original application also contemplated direct access to the Hanlon Expressway and the closure and conveyance of Silvercreek Parkway South and other lands owned by the City to support the development. The applicant was unable to achieve support from the Ministry of Transportation and the application was not presented to City Council for consideration.

The application was appealed by the applicant to the Ontario Municipal Board (OMB) on July 9, 2007 on the grounds that the City had neglected to make a decision on the application within the time period specified in the Planning Act (120 days). An OMB pre-hearing meeting was held on December 18, 2007 where the parties and participants involved in the hearing were identified. Also a second pre-hearing meeting was scheduled for June 12, 2008. This meeting was delayed until June to allow sufficient time for:

- City staff to circulate and review revised materials;
- Appropriate public input opportunities to occur;
- City Council to take a position on the application.

In late November 2007, materials associated with a modified development concept plan were submitted to the City for review. Notice of the revised application was circulated in early January 2008 and a public information meeting was held on January 31, 2008 at the River Run Centre, where approximately 120 people attended. The revised application proposed access via Silvercreek Parkway South, with an underpass under the main CN rail line instead of from the Hanlon Parkway, changes in site design, and a reduction in the amount of proposed commercial space to a total of 400,000 square feet (37,162 metres squared). The revised concept plan displaying a potential design of the site is shown in **Schedule 6**.

REPORT:

Description of the Proposed Official Plan Amendment: The applicant proposes to amend the Official Plan designation on the property from "Industrial" to "Community Commercial" and "Open Space". The "Community Commercial" designation is proposed for the site area west of Howitt Creek and the "Open Space" designation is proposed for the site area east of Howitt Creek. An Official Plan amendment is required because commercial and park uses are not permitted in the 'Industrial' land use designation. A map showing the locations of the proposed Official Plan designations on the site is shown in **Schedule 4**.

The applicant is proposing a Community Commercial Centre with a maximum of 37,162 square metres (400,000 square feet) of gross leasable floor space. Current Official Planning policies no longer include the Community Commercial designation because of changes that came from the Commercial Policy Review which was approved by Council in 2006. Relevant commercial policies in the current Official Plan are attached in **Schedule 7**.

Description of the Proposed Zoning By-law Amendment: The applicant proposes to amend the zoning of the subject site from the B.4 (Industrial) zone to a specialized CC (Community Shopping Centre) Zone, P.3 (Community Park) Zone and the FL (Floodway) Zone. The uses permitted in the CC (Community Shopping Centre) Zone are attached in **Schedule 8**.

The application seeks to permit a Community Shopping Centre with a maximum gross floor area of 37,162 square metres (400,000 square feet). A specialized CC zone would be required because Community Shopping Centres are limited to 12,500 square metres in the generic CC zone. The applicant proposes to amend the zoning in lands around Howitt Creek on site to the FL (Floodway) zone and the area east of Howitt Creek to the P.3 (Community Park) zone to create a public park.

Public Consultation: In 2005 and 2006, several focus group meetings on the application were held with interested public and members of the Howitt Park Neighbourhood Residents Association.

Following the appeal of this application to the Ontario Municipal Board in July 2007, a two-part, facilitated public planning exercise was held for interested participants on August 27, 2007 and September 6, 2007 to consider alternative land use scenarios on the property.

After the proposal was revised, a public information meeting was held on January 31, 2008 at the River Run Centre for members of the public to ask questions of the applicants and City planning staff on this revised application.

Staff Review: The application will be reviewed to determine if the proposed development and park are appropriate for this site. The review of this application will address the Official Plan policies related to the application, including the Commercial Policy Review, urban design, and the 'Commercial' and 'Open Space' designations. Staff will also review conformity with Provincial policies, specifically the Provincial Policy Statement and the Places to Grow legislation. Relevant Zoning By-law regulations will also be reviewed.

There has been considerable public interest and correspondence on this application since it was first circulated in December, 2005. Recent public comments since the recirculation of this application on January 11, 2008 are included in **Schedule 9**.

Concerns submitted that will be reviewed by staff include:

- Concerns about proposed commercial use, including:
 - Compatibility with surrounding residential neighbourhoods
 - Site access, traffic generation, traffic congestion and accidents
 - Safety
 - Light, noise, and air pollution
 - Transit access/transit hub, pedestrian/cyclist access
 - Type of commercial space (scale)
 - Amount of parking
- Design of Site
 - Attractive urban design
 - Energy efficient "green" design options
 - Site layout, location of buildings
- Economic Impact, including:
 - Amount of industrial/employment lands available
 - Market impact of proposed amount of commercial space
- Environmental/Park features:
 - Impact on creek, wildlife corridors, existing vegetation
 - Loss of lands as unofficial park, dog-walking, and recreation lands
 - Proposed park access, safety, size and frontage, trail connectivity
 - Site grading, storm water management, flood line, groundwater recharge/discharge on site, infrastructure costs

FINANCIAL IMPLICATIONS:

Financial implications will be reported on in the future Community Design and Development Services recommendation report to Council.

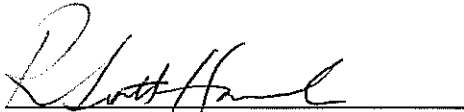
COMMUNICATIONS:

The original Notice of Application was circulated on December 2, 2005.

Notice of Public Meeting for both the public information night on January 31, 2007 at the River Run, and the March 3, 2007 Council Planning Public Meeting, was circulated on January 11, 2007 and advertised in the Guelph Tribune.

ATTACHMENTS:

- Schedule 1 – Location Map
- Schedule 2 – Official Plan "Industrial" Designation Policies
- Schedule 3 – Permitted Uses for Existing Zoning
- Schedule 4 – Proposed Official Plan Designations
- Schedule 5 – Proposed Zoning Amendments
- Schedule 6 – Preliminary Site Concept Plan
- Schedule 7 – Relevant Official Plan Policies
- Schedule 8 – Proposed CC (Community Shopping Centre) Zone Permitted Uses
- Schedule 9 – Circulation Comments



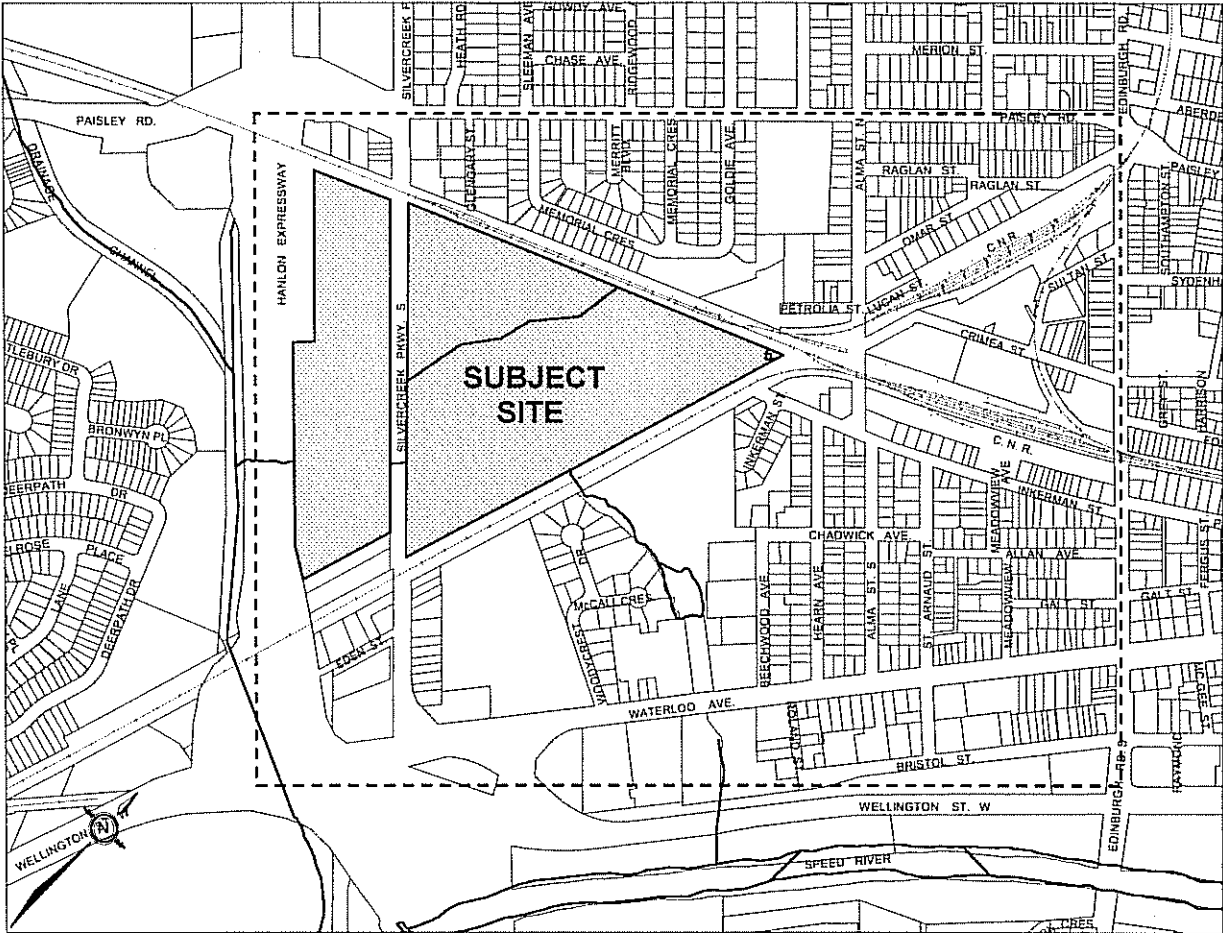
Prepared By:
R. Scott Hannah
Manager of Development and Parks Planning



Recommended By:
James N. Riddell
Director of Community Design and Development Services

SCHEDULE 1

Location Map



SCHEDULE 2

Official Plan "Industrial" Designation Policies

7.7 Industrial

Objectives

- a) To ensure sufficient serviced industrial land to attract a diversified range of industrial activities.
- b) To ensure efficient utilization of existing industrial land and promote redevelopment of under-utilized, or obsolete sites.
- c) To recognize and provide for the needs of, and facilitate the establishment of small-scale industries, incubator-type establishments, and the expansion of existing industries.
- d) To maintain adequate standards to ensure attractive industrial developments.
- e) To minimize the journey-to-work trips within the community.
- f) To prevent the establishment of offensive trades and nuisances that will hinder the orderly development of the community and be detrimental to the environment in accordance with policy 7.1.5.

General Policies

7.7.1 Within areas designated as 'Industrial' on Schedule 1 of this Plan, the following land uses shall be permitted:

- a) Industrial uses including the manufacturing, fabricating, processing, assembly and packaging of goods, foods and raw materials;
- b) Warehousing and bulk storage of goods;
- c) Laboratories;
- d) Computer and data processing;
- e) Research and development facilities;
- f) Printing, publishing and broadcasting facilities;
- g) Repair and servicing operations;
- h) Transportation terminals;
- i) Contractors' yards;
- j) Complementary uses (such as corporate offices, open space and recreation facilities, public and institutional uses and utilities) which do not detract from, and which are compatible with, the development and operation of industrial uses.

SCHEDULE 2 continued

- 7.7.2 Complementary uses, as outlined in policy 7.7.1(j), may be permitted within the 'Industrial' designation by *Zoning By-law* amendment. The adequacy of municipal services to support the proposed complementary uses will be considered as a component of the zone change request.
- 7.7.3 Generally, commercial uses will not be permitted within areas designated as 'Industrial'. Factory sales outlets will be permitted as an accessory use, provided that only those items that are substantially manufactured or assembled on site are sold. The sales outlet must be entirely located on the site in which the items for sale are manufactured or assembled.
- 7.7.4 Legally-existing industrial establishments not located within areas designated 'Industrial' on Schedule 1 of this Plan shall be recognized as legal conforming uses, subject to the zoning provisions in effect at the time of passing of this Plan. When these industries require expansion or the site is to be redeveloped for another land use activity, these industrial establishments will be encouraged to relocate into one of the designated industrial areas of the city.
- 7.7.5 It is the policy of the City to maintain a high standard of industrial development.
1. In order to encourage the development of attractive *industrial* areas, and to preserve sites along arterial roads for those industries that desire or require visibility, the City will pursue the following:
 - a) Direct such uses as contractors' yards, repair and servicing operations, transportation terminals and utility yards to locate along local or collector roads that are not located within an *industrial park*;
 - b) Maintain higher development standards along arterial roads or within an *industrial park* for such matters as: parking, loading areas, outside storage, landscaping, buffer strips and setback requirements; and
 - c) Recognize a variety of categories of industrial zones in the *Zoning By-law*.
- 7.7.6 The City shall ensure an adequate supply and variety of serviced industrial land to meet the requirements of industrial development.
1. The City will continue to purchase, develop, and market lands for industrial use.
 2. The City will continue to provide a variety of industrial activity locations in the various geographic sectors of Guelph in order to minimize journey to-work trips.
- 7.7.7 Where industrial and residential (or other sensitive) uses are proposed in proximity to one another, the City, will use Ministry of the Environment guidelines, to require appropriate planning/land use regulatory measures that will promote compatibility between these two land use types. Measures that can assist in creating compatible environmental conditions for these basic land uses may include but not be limited to the requirement for minimum separation distances, sound proofing measures, odour and particulate capture devices.

SCHEDULE 3

Permitted Uses for Existing Zoning

7.1.3 Industrial B.4 Zone
Catering Service
Cleaning Establishment
Contractor's Yard
Manufacturing
Repair Service
Towing Establishment
Tradesperson's Shop
Trucking Operation
Veterinary Service
Warehouse

7.1.3.1 *Office, Factory Sales Outlet*, fleet servicing area and other **Accessory Uses** are permitted provided that such **Use** is subordinate, incidental and exclusively devoted to a permitted **Use** listed in Section 7.1.3 and provided that such **Use** complies with Section 4.23.

Temporary **Uses** including *Agriculture (Vegetation Based)*, *Outdoor Sportsfield Facilities*, and driving range.

Malls

All **Uses** listed in Section 7.1.3 and the following:

Commercial Entertainment/Recreation Centre (excluding theatres, bowling alleys and roller rinks)

Commercial School

Computer Establishment

Display and retail sales of appliances, furniture and other household furnishings, hardware, and home improvement materials

Financial Establishment

Industrial or construction equipment rental or sales firm

Office

Office Supply

Personal Service Establishment

Photofinishing Place

Print Shop

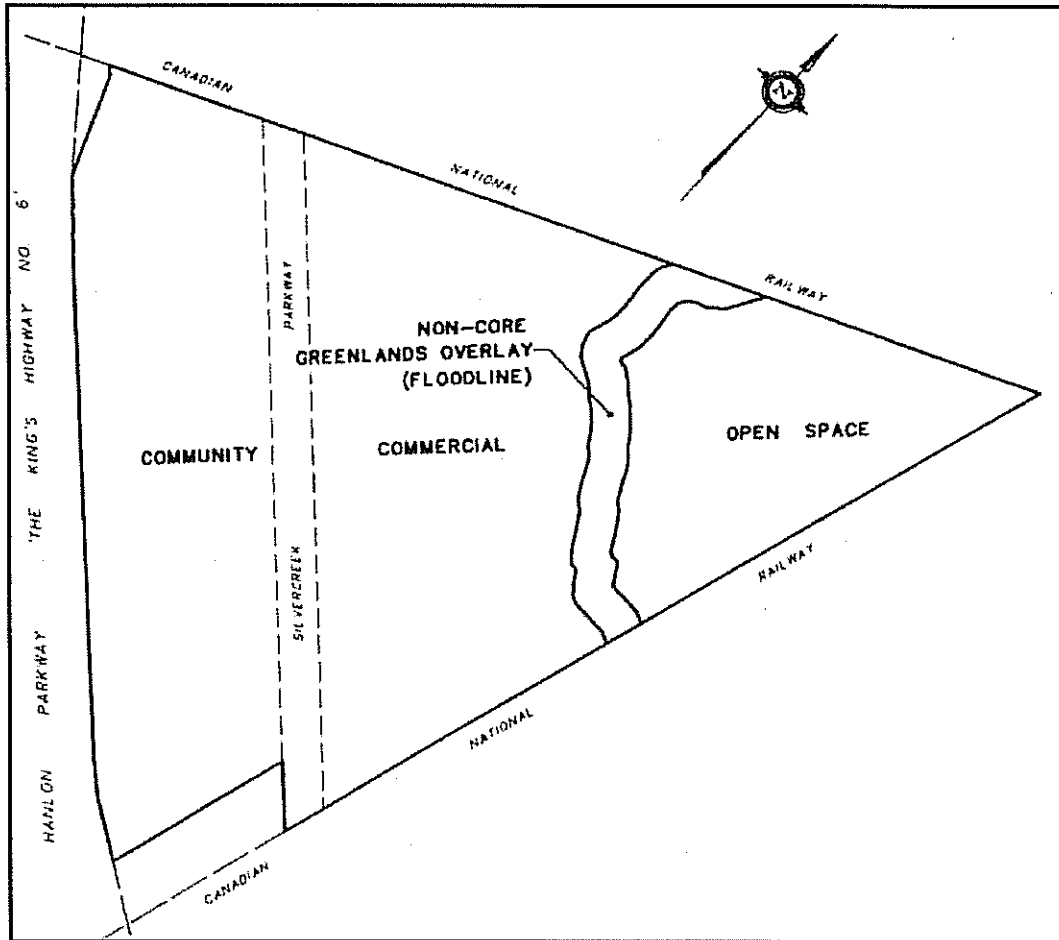
Research Establishment

Restaurant

Vehicle Specialty Repair

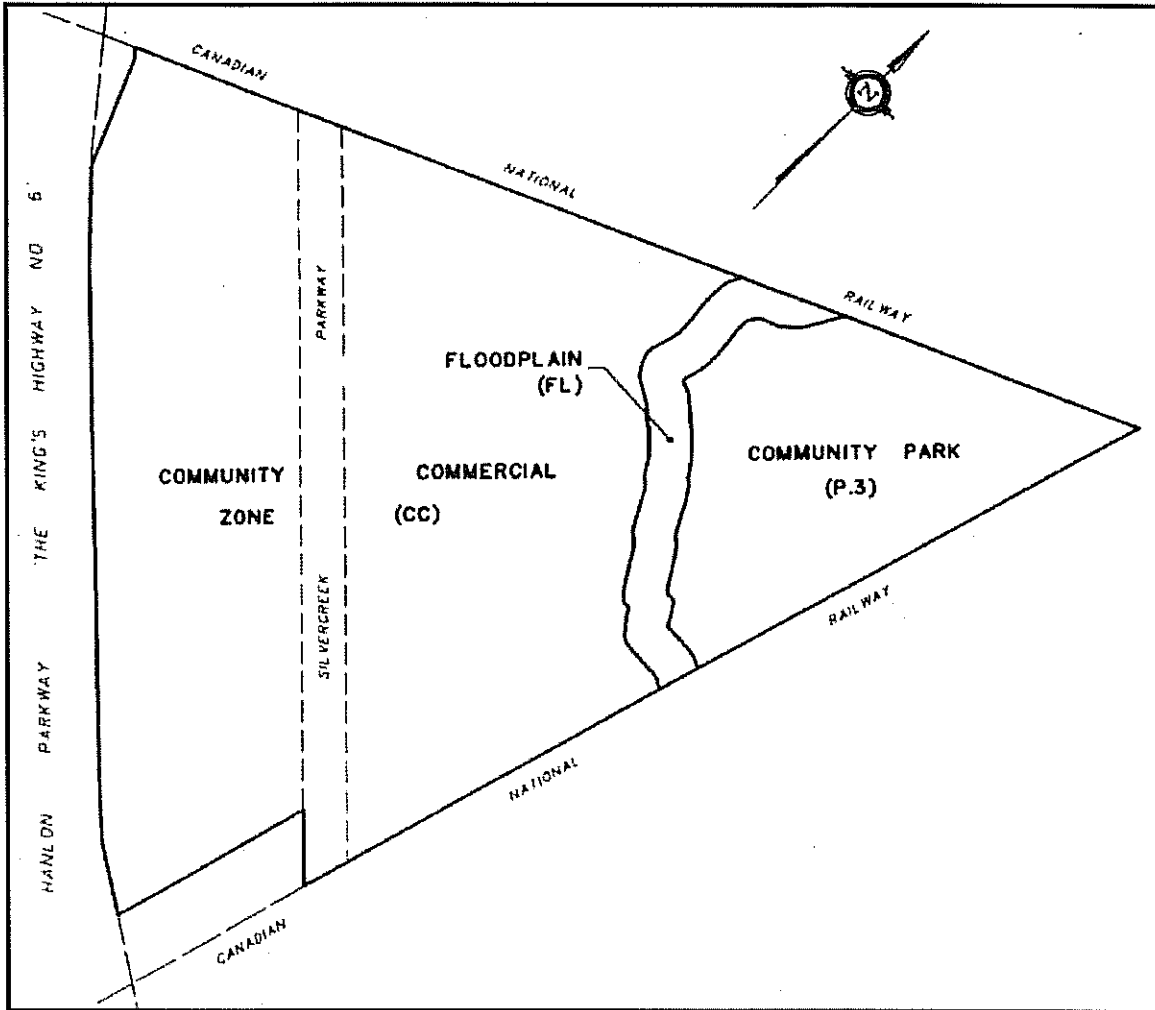
SCHEDULE 4

Proposed Official Plan Designation



SCHEDULE 5

Proposed Zoning Amendments



SCHEDULE 6

Preliminary Site Concept Plan



**SILVER CREEK JUNCTION
Concept Plan**

Silvercreek Developments (Guelph) Limited
November 2007

SCHEDULE 7

Relevant Official Plan Policies

7.4 Commercial and Mixed Use

Objectives

- a) To ensure an adequate supply of commercial and mixed use land is provided to meet the variety of needs of residents and businesses and to disperse and distribute commercial uses throughout the City at appropriate locations.
- b) To promote nodes forming major concentrations of commercial activity as mixed use areas providing commercial and complementary uses serving both nearby residential neighbourhoods and the wider community which are connected to each other via the City's major transportation and transit networks.
- c) To promote the continued economic viability, intensification and revitalization of the Central Business District (Downtown) and other existing designated commercial and mixed use areas.
- d) To encourage the distribution of local convenience and neighbourhood commercial uses to locations within convenient walking distance of residential areas and to promote their development in a manner that is compatible with the residential environment.
- e) To concentrate *highway-oriented and service commercial uses* within designated areas along one side of arterial roads within the City and to limit the range of retail commercial uses within these areas.
- f) To discourage the creation of new strip commercial development along the City's major streets.
- g) To promote a distinctive and high standard of building and landscape design for commercial and mixed use lands and to ensure that the development of these lands occurs in a cohesive, complementary and coordinated manner.

Achieving the Objectives:

- 7.4.1 Schedule 1 provides the location of the various designated commercial and mixed use areas expected to be required to meet the needs of the City during the planning period in keeping with the City's approved Commercial Policy Review Study. The City will review and update the policies and targets of its approved Commercial Policy Review Study and implementing commercial policy framework every five (5) years.

7.4.2 Subject to the policies of Section 9.2, proposals to establish new commercial and mixed use areas or to expand the areas identified on Schedule 1 shall require an amendment to this Plan. Proposals to convert Industrial and Corporate Business Park designated land for commercial purposes shall only be considered in conjunction with applicable Provincial policies, plans and legislation.

7.4.3 Impact studies meeting the requirements outlined in policy 7.4.49 to 7.4.52 shall be required to assess the impact on the City's commercial policy structure when proposals are made to:

- to establish or expand a 'Mixed Use Node' or 'Intensification Node' beyond the designation limit boundaries as shown on Schedule 1;
- to exceed the retail floor area limitations within a 'Mixed Use Node' established in policy 7.4.12 or the number of large retail uses in policy 7.4.13;
- to extend or enlarge a 'Neighbourhood Commercial Centre' to provide more than 10,000 square metres (108,000 square feet) of gross leasable floor area.

Land Use Designations

7.4.4 This Plan establishes four major land use designations to facilitate commercial and mixed use development defined by their size and planning function. These designations are as follows:

- Mixed Use Nodes
- Intensification Areas
- Neighbourhood Commercial Centres
- Service Commercial Areas

In addition this Plan provides opportunities for smaller scale mixed use and convenience commercial development generally serving residential neighbourhoods consistent with policies 7.2.26 and 7.5 and 7.6.

Mixed Use Nodes

Note:

Policies 7.4.6, 7.4.7, 7.4.10 and 7.4.11 remain under appeal as they relate to the following lands only:

- Block 64 Plan 61M-65 (Northeast corner of Clair Road and Gordon Street)
- 72 Watson Road

Policies 7.4.5 to 7.4.21 (inclusive) are in effect for all other lands designated "Mixed Use Nodes" on Schedule 1 in this Plan.

- 7.4.5 The 'Mixed Use Nodes' identified on Schedule 1 in this Plan is comprised of one or several individual developments on one or more properties on both sides of an intersection of major roads within a "node". These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole.
- 7.4.6 The intent of the 'Mixed Use Node' designation is to create a well defined focal point and to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location. Implementing zoning by-laws may include mechanisms such as minimum density requirements and maximum parking standards to promote the efficient use of the land base.
- 7.4.7 It is intended that where there are adjacent properties within the node that the lands will be integrated with one another in terms of internal access roads, entrances from public streets, access to common parking areas, grading, open space and storm water management systems. Furthermore, it is intended that individual developments within the Mixed Use Node will be designed to be integrated into the wider community by footpaths, sidewalks and bicycle systems and by the placement of smaller buildings amenable to the provision of local goods and services in close proximity to the street line near transit facilities.
- 7.4.8 The boundaries of the 'Mixed Use Node' designation are intended to clearly distinguish the node as a distinct entity from adjacent land use designations. Subject to the policies of Section 9.2, proposals to expand a 'Mixed Use Node' beyond these boundaries or to establish a new node shall require an Official Plan Amendment supported by impact studies as outlined in policies 7.4.48 to 7.4.52.
- 7.4.9 The 'Mixed Use Node' is intended to provide a wide range of retail, service, entertainment and recreational commercial uses as well as complementary uses including open space, institutional, cultural and educational uses, hotels, and live-work studios. Medium and high density multiple unit residential development and apartments shall also be permitted in accordance with the policies of Section 7.2. Only small scale professional and medically related offices shall be permitted in this designation in order to direct major offices to the CBD, Intensification Area, Corporate Business Park and Institutional designations.
- 7.4.10 The permitted uses can be mixed vertically within a building or horizontally within multiple-unit mall buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and immediately adjacent to the street line near transit facilities. These smaller buildings shall comprise a minimum of 10% of the total *gross leasable floor area* within the overall development.
- 7.4.11 The City will require the aesthetic character of site and building design to be consistent with the City's urban design objectives and guidelines and shall incorporate measures into the approval of *Zoning By-laws* and *site plans* used to

regulate *development* within the 'Mixed Use Node' designation to ensure such consistency.

7.4.12 The 'Mixed Use Nodes' incorporate land containing existing uses as well as vacant land required to meet the identified needs of the City. In order to promote a mixture of land uses within each 'Mixed Use Node' designation it is the intent of this Plan that new *retail development* will be limited to the following floor area cumulatively of all buildings within the node:

- Woodlawn / Woolwich Street Node: 42,000 sq. m.
- Paisley / Imperial Node: 42,000 sq. m.
- Watson Parkway / Starwood Node: 28,000 sq. m.
- Gordon / Clair Node: 48,500 sq. m.

7.4.13 No individual 'Mixed Use Node' shall have more than four (4) freestanding individual retail uses exceeding 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*.

7.4.14 In accordance with Section 9.2, any proposal to exceed the retail floor area limitations within a 'Mixed Use Node' established in policy 7.4.12 or the number of large retail uses in policy 7.4.13 shall require impact studies as outlined in policies 7.4.48 to 7.4.52.

Intensification Areas:

7.4.15 The 'Intensification Areas' designation identified on Schedule 1 in this Plan is comprised of one or several individual developments on one or more properties within a "node", and is intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole.

7.4.16 The intent of the 'Intensification Area' designation is to promote the intensification and revitalization of existing well defined commercial nodes in order to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location. Implementing zoning by-laws may include mechanisms such as minimum density requirements and maximum parking standards to promote the efficient use of the land base.

7.4.17 It is intended that where there are adjacent properties within the node that as new development occurs the lands will be integrated with one another in terms of internal access roads, entrances from public streets, access to common parking areas, grading, open space and storm water management systems. Furthermore, it is intended that individual developments within the Intensification Node will be designed to be integrated into the wider community by footpaths, sidewalks and bicycle systems and by the placement of smaller buildings amenable to the provision of local goods and services in close proximity to the street line near transit facilities.

- 7.4.18 The boundaries of the 'Intensification Area' designation are intended to clearly distinguish the node as a distinct entity from adjacent land use designations. Subject to the policies of section 9.2, proposals to expand an 'Intensification Area' beyond these boundaries shall require an Official Plan Amendment supported by impact studies as outlined in policies 7.4.48 to 7.4.52.
- 7.4.19 The 'Intensification Area' is intended to provide a wide range of retail, service, office, entertainment and recreational commercial uses as well as complementary uses including open space, institutional, cultural and educational uses, hotels, and live-work studios. Medium and high density multiple unit residential development and apartments shall also be permitted in accordance with the policies of Section 7.2.
- 7.4.20 The permitted uses can be mixed vertically within a building or horizontally within multiple-unit mall buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and immediately adjacent to the street line near transit facilities. These smaller buildings shall comprise a minimum of 10% of the total *gross leasable floor area* within the overall development.
- 7.4.21 The City will require the aesthetic character of site and building design to be consistent with the City's urban design objectives and guidelines and shall incorporate measures into the approval of *Zoning By-laws* and *site plans* used to regulate *development* within the 'Intensification Area' designation to ensure such consistency.

SCHEDULE 8

Proposed CC (Community Shopping Centre) Zone Permitted Uses

6.2 COMMERCIAL SHOPPING CENTRE ZONES

6.2.1 PERMITTED USES

The following are permitted **Uses** within the Commercial Shopping Centre (NC, CC, and RC) **Zones**:

6.2.1.1 Neighbourhood Shopping Centre - NC Zone

Dwelling Units with permitted commercial **Uses** in the same **Building** in accordance with Section 4.15.2

Art Gallery

Artisan Studio

Club

Day Care Centre in accordance with Section 4.26

Dry Cleaning Outlet

Financial Establishment

Group Home in accordance with Section 4.25

Laundry

Library

Medical Clinic

Medical Office

Office

Personal Service Establishment

Religious Establishment

Restaurant

Restaurant (take-out)

Retail Establishment

Vehicle Gas Bar

Veterinary Service

Accessory Uses in accordance with Section 4.23

Occasional Uses in accordance with Section 4.21

6.2.1.2 Community Shopping Centre - CC Zone

All **Uses** permitted in Section 6.2.1.1 subject to the regulations of the CC **Zone** with the following added permitted **Uses**:

Amusement Arcade

Carwash, Automatic

Carwash, Manual

Commercial Entertainment

Commercial School

Funeral Home

Garden Centre

Public Hall

Recreation Centre

Rental Outlet

Tavern

Taxi Establishment

SCHEDULE 9

Circulation Comments

Email address: oficserv@sentex.net
U.R.L./WebAddress: <http://www.sentex.net/~oficserv>

Aprilla D.S. WARDELL
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70 Alma Street North
GUELPH
Ontario N1H 5X1
Canada

Lois Giles, City Clerk,
City Hall,
59 Carden Street,
GUELPH
Ontario.

COMMUNITY DESIGN AND
DEVELOPMENT SERVICES

JAN 23 2008

Thursday, January 17, 2008

CITY CLERK'S OFFICE

Dear Lois: Re: 35 and 40 Silvercreek Parkway South. File OP0506, ZC0516

- I have received numerous communications concerning this land; from the Guelph Council, Rosewater Developments, my local Representative, and now City of Guelph Community Design and Development Services.
- I have attended a meeting (of the Howitt Park Committee) and written to all of the above.
- I have sent and received emails about this subject.
- Recently I received two large envelopes from Aird and Berlis LLP concerning the land.

Because I am quite deaf, it is pointless my attending meetings. I also have a damaged spine and cannot sit for long. My absence from such meetings does certainly not indicate apathy! I feel most strongly about it.

My only enjoyment is this piece of land:

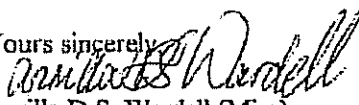
I can walk there in comparative peace, away from the traffic, the noise and smell of motor exhaust, stink of clothes dryers blowing into the street.

I can watch the birds and sit by the little bridge on my walker to enjoy the sight of the Silvercreek running below.

I can let my golden retriever loose for a short run.

Obviously the only way I would be completely happy with the use of this land would be if Guelph Council could requisition the entire holding and use it as an extension of the Howitt Park Naturalization area. The many hundreds of people – walkers, skiers, bikers, snowshoers, who use it as I do, totally agree with me. I speak to them frequently. They come from miles around. N.B.

Yours sincerely


Aprilla D.S. Wardell (Miss)



City of Guelph

Report: 08-21

COMMUNITY DESIGN AND DEVELOPMENT SERVICES

TO: Council

DATE: 2008/03/03

SUBJECT: 340 Clair Road East - Draft Plan of Residential Subdivision and associated Zoning Bylaw Amendment – Westminister Woods East Phase 4 - File 23T-02502/ZC0706 (Ward 6).

RECOMMENDATION:

“THAT Report 08-21 regarding a Proposed Draft Plan of Residential Subdivision and associated Zoning By-law Amendment for approval of Phase 4 of the Westminister Woods East Subdivision applying to property municipally known as 340 Clair Road East, City of Guelph, from Community Design and Development Services dated March 3, 2008, BE RECEIVED.”

SUMMARY;

This report provides information on an application requesting approval of a phase of a residential subdivision and associated rezoning from Westminister Woods Limited (See location of Phase 4 in **Schedule 1**).

BACKGROUND:

This report provides information regarding the proposed fourth phase of the Westminister Woods East residential subdivision. Phase 1 was registered on July 11, 2002 as Plan 61M-66 and Phase 2 was registered on June 28, 2006 as Plan 61M-130. Phase 3 was more recently registered as Plan 61M-143 on October 30, 2007 and building permits for this third phase have been available since November 23, 2007 (See **Schedule 3**).

The application applies to approximately 10.07 hectares (24.88 acres) of land legally described as Part of Lots 9 & 10, Concession 8, (formerly Puslinch Township) City of Guelph. The original Notice of Application was circulated on May 4, 2007 for comments and a revised application was received on December 19, 2007 and deemed to be complete on January 5, 2008.

Location

The lands affected by the application are located on the west side of Victoria Road at the northwest corner of Clair Road and Victoria Road (see **Schedule 1**).

The proposed Phase 4 lands are bounded to the west by the Phase 2 residential neighbourhood of Westminister, to the south by the Phase 3 residential neighbourhood, to the north by the Pine Ridge East subdivision and to the east by Victoria Road South (See **Schedule 3**).

Official Plan Designation

The existing land use designations on Schedule 1 of the Official Plan applying to the subject property include "General Residential ", "Medium Density Residential" and Non-Core Greenlands Overlay. These designations are illustrated and explained in **Schedule 2**. Schedule 2 of the Official Plan also identifies the lands in the "Other Natural Heritage Features" area and the Arkell Springs Water Resource Protection Area (See **Schedule 2**).

Existing Zoning

The subdivision lands are currently zoned *Agriculture* under the Puslinch Township Zoning By-law 19/85 (See **Schedule 5**).

REPORT:

Description of Proposed Plan of Subdivision

The owners have asked to subdivide the subject property in accordance with the draft plan of subdivision attached in **Schedule 4**. The subdivision proposes 93 residential lots for single-family detached dwellings (Lots 1-93), a large block for either cluster townhouses or apartments (Block 94) and one block for a Separate Elementary School site (Block 95). A narrow strip of land along Victoria Road is shown as open space landscape feature (Block 96) on the plan. The lot sizes and breakdown for the proposed 93 single-detached lots is detailed in **Schedules 4 and 6**.

If approved, Phase 4 of the development will create 93 single detached residential lots; a cluster townhouse/apartment block (ranging from 75 to 120 dwelling units), a school site and an open space landscape feature which will become part of the common element condominium landscape features that has been established in earlier phases of the Westminister Woods subdivision. The total dwelling unit count is estimated in the range of 168 to 213 units, depending on whether Block 94 is developed for townhouses or apartment dwellings. The proposed density of the subdivision is calculated at 47.5 persons per hectare.

Description of Proposed Zoning Bylaw Amendment

To implement the proposed draft plan of subdivision, the owner wishes to rezone the lands to a Specialized R.1B (Single-Detached) Zone, the R.1C and R.1D (Single-Detached Residential) Zones, the R.3A (Residential Cluster Townhouse) Zone, the R.4A (Residential Apartment) Zone and the I.1 (Institutional) Zone.

The details of the proposed zoning schedule and concept is attached in **Schedule 6**.

In support of the entire plan of subdivision for Westminister Woods East, the developer submitted the following reports and information which have since been processed and approved:

- Westminister Woods East Environmental Impact Study prepared by North-South Environmental Inc. dated July 2001.
- Addendum to the Westminister Woods East Environmental Impact Study prepared by North-South Environmental Inc. dated May 14, 2002.
- Westminister Woods East Preliminary Servicing and Storm Water Management prepared by Stantec Consulting Ltd. Dated May, 2002.
- Westminister Woods East Traffic Study prepared by Stantec Consulting Ltd. Dated July 3, 2002.
- Westminister Woods East External Traffic and Noise Impact Study prepared by Paradigm Transportation Solutions Limited dated June 12, 2002.

Staff Review

The review of this application will address the following issues:

- Review criteria outlined in Section 51(24) of The Planning Act (subdivision control).
- Evaluation of the proposal against the General Residential, Medium Density Residential and Open Space policies of the Official Plan.
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation.
- Review of the Stormwater Management Strategy and Servicing Report.
- Review of the proposed Zoning.
- Review timing in relation to DPP.

Once the application is reviewed and all issues are addressed, a report from Community Design and Development Services with a recommendation for refusal or approval will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN:

*Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

*Natural Environment Goal #6: A leader in conservation and resource protection/enhancement.

FINANCIAL IMPLICATIONS:

Financial implications will be reported in the future Community Design and Development Services recommendation report to Council.

COMMUNICATIONS:

The original Notice of Application was mailed May 4, 2007. The application was revised by the owner and resubmitted December 19, 2007. The Notice of Application and Public Meeting for the revised proposal was mailed and advertised in the Guelph Tribune on February 8, 2008.

ATTACHMENTS:

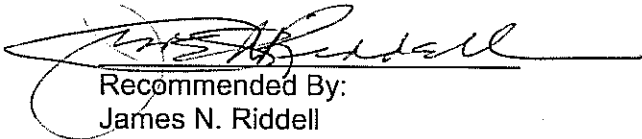
- Schedule 1 – Location Map
- Schedule 2 – Existing Official Plan Landuse Designations and Policies
- Schedule 3 – Westminster Woods East 23T-02502 Subdivision Concept
- Schedule 4 - Proposed Phase 4 of Westminster Woods East Subdivision
- Schedule 5 – Existing Zoning
- Schedule 6 – Proposed Zoning



Prepared By:
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Senior Development Planner
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al.hearne@guelph.ca



Recommended By:
R. Scott Hannah
Manager of Development and Parks
Planning
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scott.hannah@guelph.ca

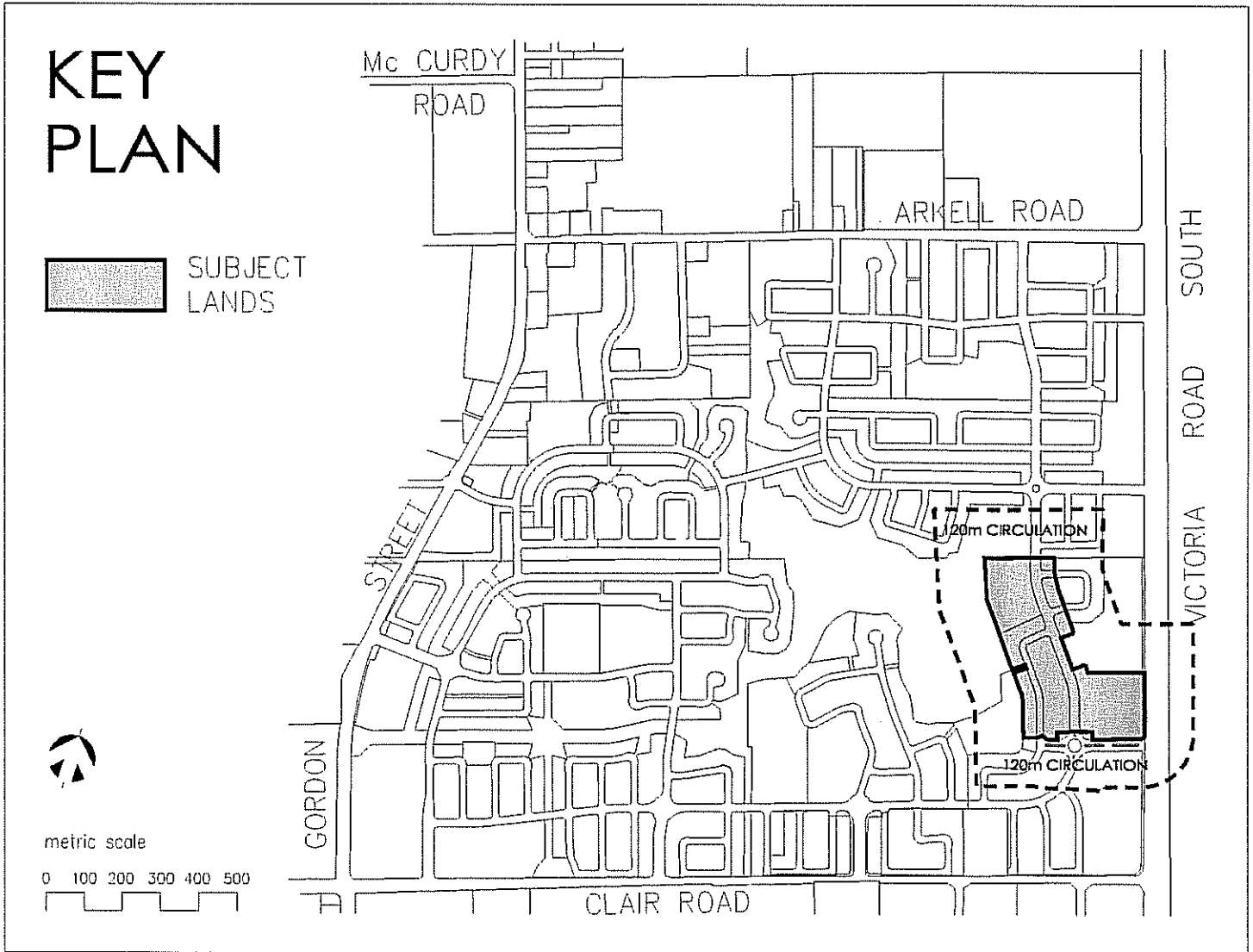


Recommended By:
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Director of Community Design
and Development Services
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jim.riddell@guelph.ca

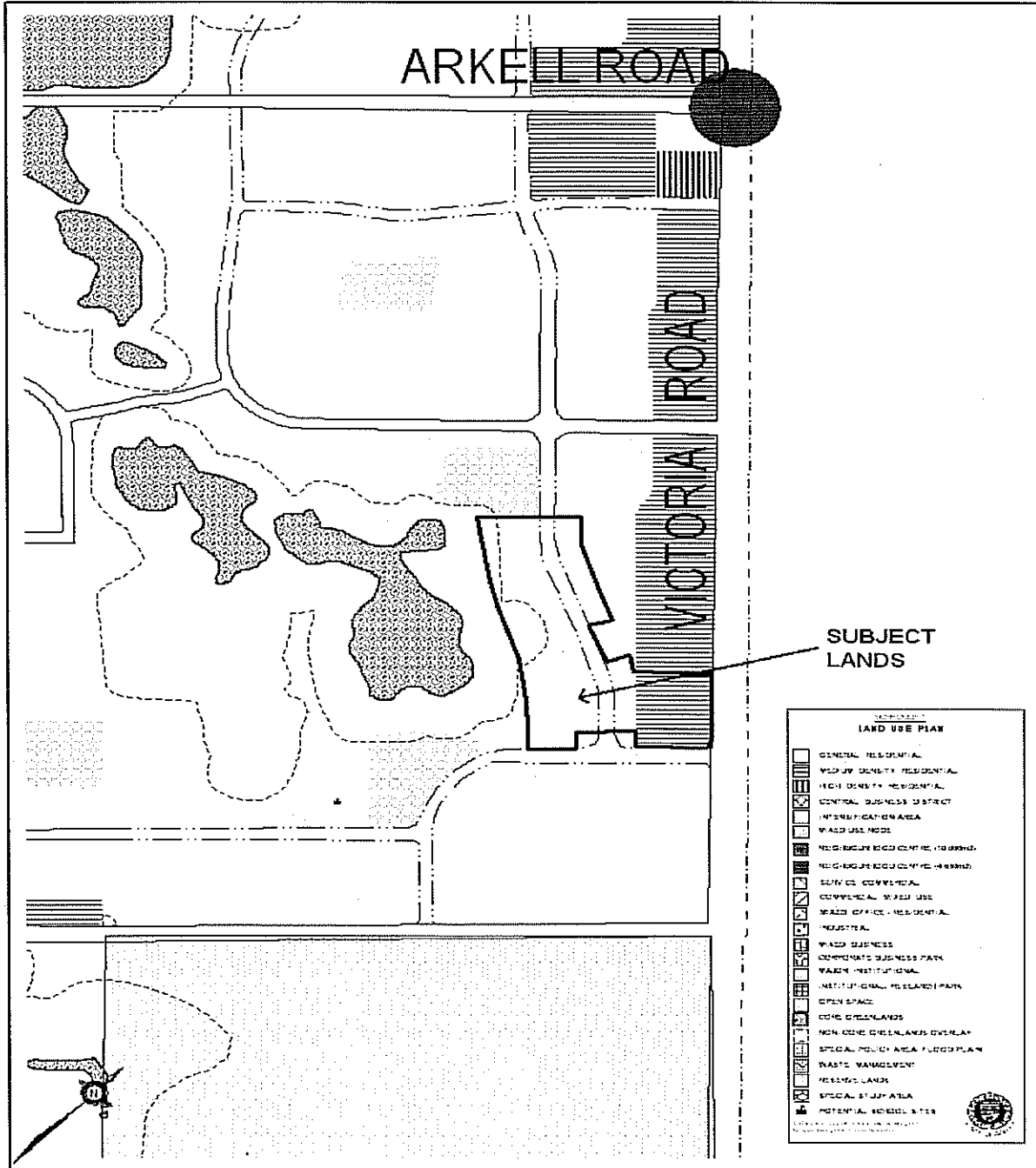
N:\data\word\documents\WW East Subdivision Phase 4\New Council Information Report WWE4 March 3, 2008.doc

Schedule 1

Location Map of Phase 4 Subject Lands Within the Westminster Woods East Plan of Subdivision



**Schedule 2
Existing Official Plan Landuse Designations and Policies**



**EXISTING
LAND USE PLAN**

[Pattern]	GENERAL RESIDENTIAL
[Pattern]	MEDIUM DENSITY RESIDENTIAL
[Pattern]	HIGH DENSITY RESIDENTIAL
[Pattern]	CENTRAL BUSINESS DISTRICT
[Pattern]	INFORMATION AREA
[Pattern]	WARD USE NODE
[Pattern]	NEIGHBOURHOOD CENTRE (HUB)
[Pattern]	NEIGHBOURHOOD CENTRE (HUB)
[Pattern]	COMMERCIAL
[Pattern]	COMMERCIAL WARD USE
[Pattern]	WORLD OFFICE / RESIDENTIAL
[Pattern]	INDUSTRIAL
[Pattern]	WARD BUSINESS
[Pattern]	COMMERCIAL BUSINESS PARK
[Pattern]	WARD INSTITUTIONAL
[Pattern]	INSTITUTIONAL / RECREATION
[Pattern]	OPEN SPACE
[Pattern]	OPEN GREENLANDS
[Pattern]	NON-OPEN GREENLANDS OVERLAY
[Pattern]	SPECIAL POLICY AREA / FLOOD PLAN
[Pattern]	WASTE MANAGEMENT
[Pattern]	POTENTIAL LAND
[Pattern]	SPECIAL STUDY AREA
[Pattern]	POTENTIAL SCHOOL SITES

Schedule 2 Existing Official Plan Landuse Designations and Policies

General Residential' Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy.
- 7.2.7. Residential care facilities, lodging houses, coach houses and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the net density of development shall not exceed 100 units per hectare (40 units/acre).
1. In spite of the density provisions of policy 7.2.32 the net density of development on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot infill, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed development is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parametres outlined in subsection 3.6 of this Plan. More specifically, residential lot infill shall be compatible with adjacent residential environments with respect to the following:
- a) The form and scale of existing residential development;
 - b) Existing building design and height;
 - c) Setbacks;
 - d) Landscaping and amenity areas;
 - e) Vehicular access, circulation and parking; and
 - f) Heritage considerations.
- 7.2.35 Apartment or townhouse infill proposals shall be subject to the development criteria contained in policy 7.2.7.

'Medium Density Residential' Land Use Designation

7.2.36 The predominant use of land within areas designated as 'Medium Density Residential' on Schedule 1 shall be for multiple unit residential buildings, such as townhouses, row dwellings and walk-up apartments. It is not intended that housing forms such as single detached or semi-detached units shall be permitted. Residential care facilities and *lodging houses* may be permitted by the provisions of this Plan.

- a) Within the Medium Density Residential designation at the northeast side of the intersection of York Road and Wyndham Street South, detached and semi-detached housing forms are permitted with frontage onto York Road, Wyndham Street South and Richardson Street provided that the overall density of development within the Medium Density Residential designation in this location complies with Section 7.2.38.

7.2.37 The 'Medium Density Residential' designation has been outlined on Schedule 1 in instances where there is a clear planning intent to provide for the following:

- a) Medium density housing forms in new growth areas to assist in providing opportunities for *affordable housing*;
- b) Greater housing densities that are supportive of transit usage adjacent to major roads forming the existing and future transit network;
- c) A variety of housing types and forms to be situated throughout all areas of the community; and
- d) Supportive of urban form objectives and policies to establishing or maintaining mixed-use nodes.

7.2.38 The *net density of development* shall be a minimum of 20 units per hectare (8 units/acre) and a maximum of 100 units per hectare (40 units/acre), except as provided for in policy 7.2.10.

7.2.39 Medium density residential *development* proposals shall generally comply with criteria established for *multiple unit residential buildings* in policy 7.2.7 of this Plan, and shall be regulated by the *Zoning By-law*.

7.2.40 In addition to being permitted on land designated 'Medium Density Residential', *multiple unit residential buildings* may be permitted without an amendment to this **City of Guelph Official Plan 2001** Page 96 November 2006 Consolidation Plan on land designated 'General Residential' where such proposals generally comply with the criteria in policy 7.2.7.

Non-Core Greenlands Overlay

7.13.5 The lands associated with the Non-Core Greenlands overlay on Schedule 1 may contain natural heritage features, natural feature adjacent lands and natural hazard lands that should be afforded protection from development. The following natural features and their associated adjacent lands are found within the Non-

Core Greenlands area: fish habitat, locally significant wetlands, significant woodlands, significant environmental corridors and ecological linkages, significant wildlife habitat. In many instances these natural features also have hazards associated with them which serve as development constraints.

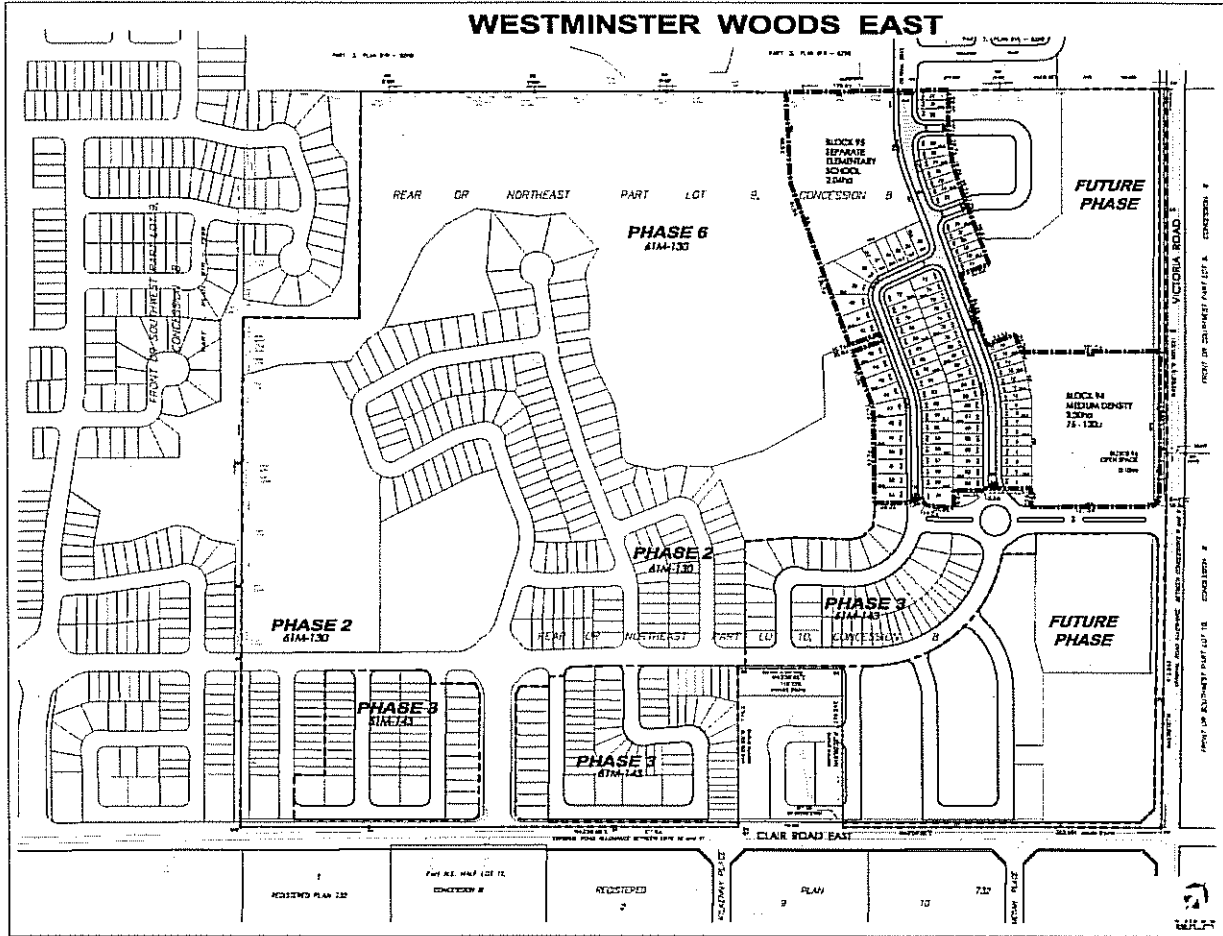
1. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.
2. Policies relating to *natural hazard lands* are contained in Section 5 of this Plan.

7.13.6 Development may occur on lands associated with the Non-Core Greenlands overlay consistent with the underlying land use designation in instances where an environmental impact study has been completed as required by subsection 6.3 of this Plan, and it can be demonstrated that no negative impacts will occur on the natural features or the ecological functions which may be associated with the area. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement of any identified natural heritage feature as part of such environmental impact study.

7.13.7 It is intended that the natural heritage features associated with the Non-Core Greenlands overlay are to be protected for their ecological value and function. The implementing Zoning By-law will be used to achieve this objective by placing such delineated features from an approved environmental impact study in a restrictive land use zoning category.

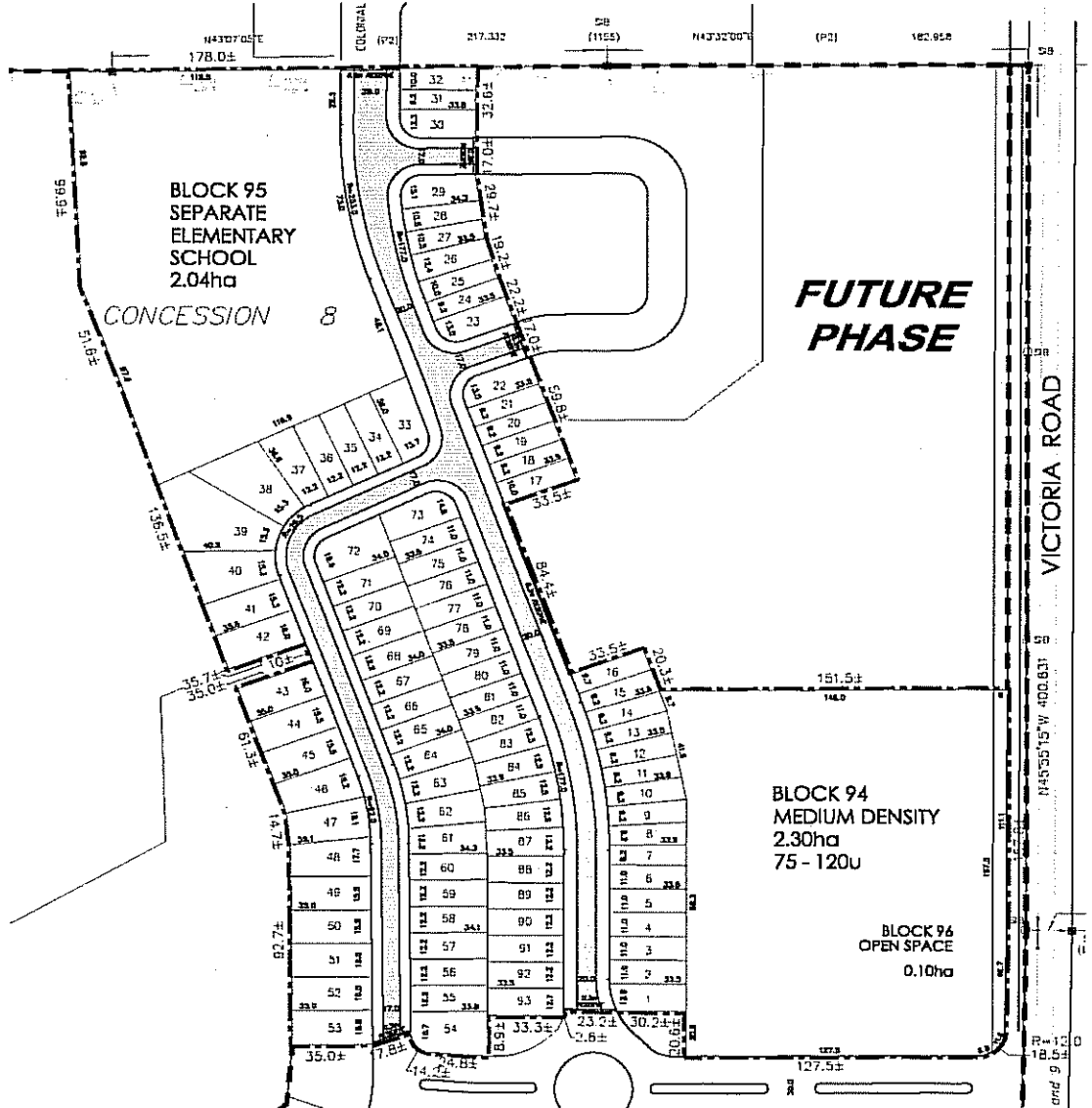
7.13.8 Development may occur on lands associated with the Non-Core Greenlands overlay where the matters associated with hazard lands as noted in Section 5 can be safely addressed. In addition, development within the flood fringe areas of the Two Zone Flood Plain will be guided by the policies of subsection 7.14.

**Schedule 3
Westminster Woods East 23T-02502 Subdivision Concept**



Schedule 4

Proposed Phase 4 of Westminster Woods East Plan of Subdivision



Schedule 4

Proposed Land Use Breakdown of Phase 4 of Westminister Subdivision

PHASE 4

AREA TABLE

RESIDENTIAL LOTS	LOTS 1-93	4.04 ha
MEDIUM DENSITY	BLOCK 94	2.30
SEPARATE ELEMENTARY SCHOOL	BLOCK 95	2.04
OPEN SPACE	LANDSCAPE FEATURE BLOCK 96	0.10
ROADS		1.59±
TOTAL		10.07 ha±

ROADS

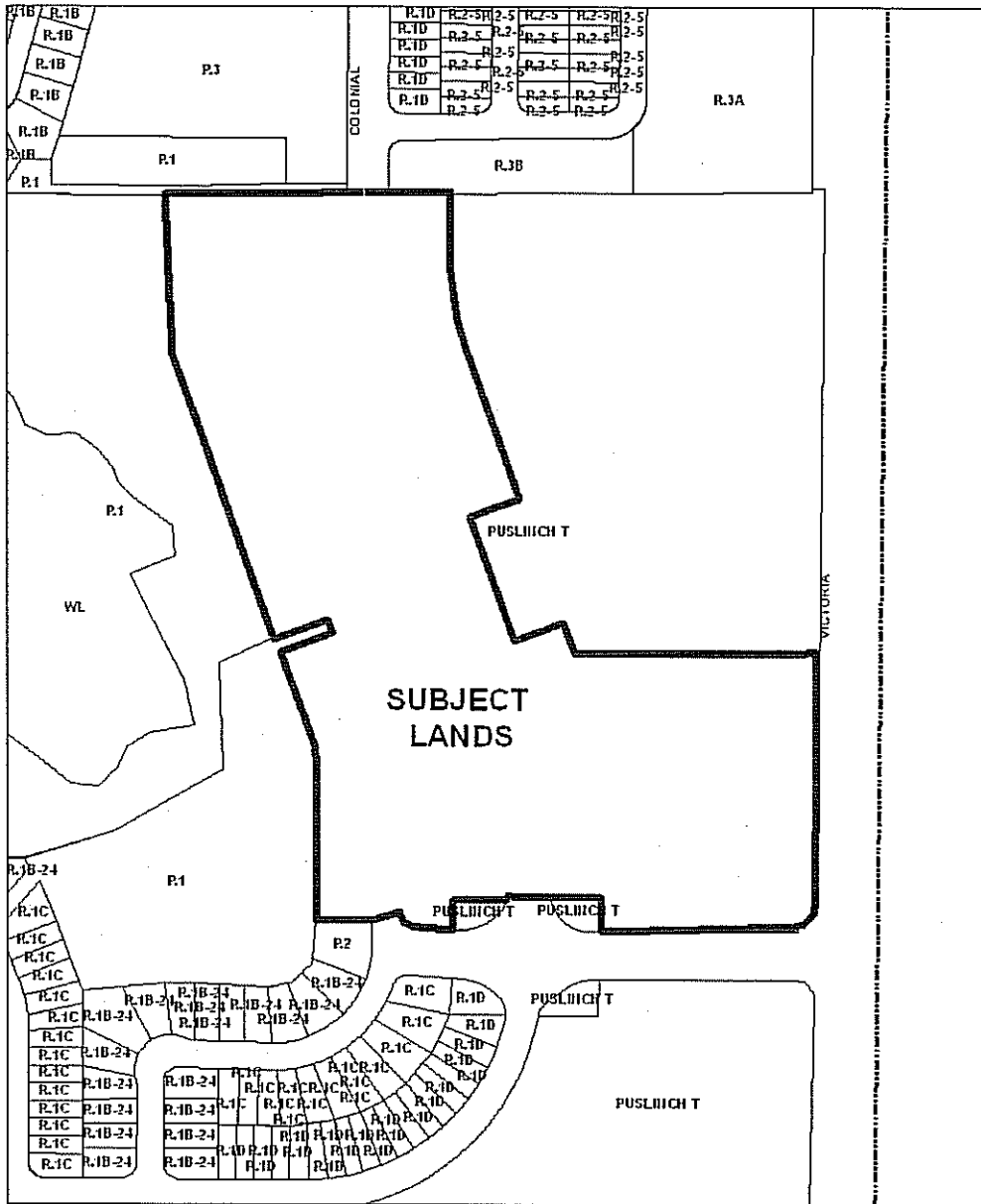
26.0m ^(85') R.O.W.	25 m
20.0m ^(66') R.O.W.	425
17.0m ^(56') R.O.W.	375
TOTAL	825 m

Roadway lengths indicated refer to Right of Way lengths, not centreline lengths.

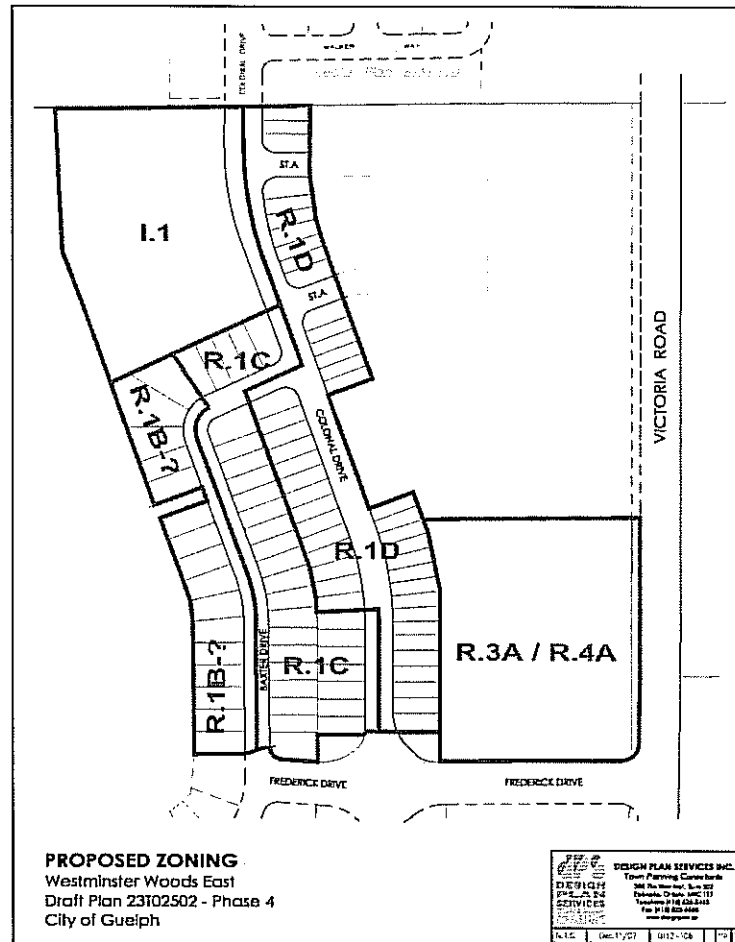
UNIT COUNT

15.3m ^(50') Single	18u
12.2m ^(40') Single	29
11.0m ^(36') Single	21
9.2m ^(30') Single	25
MEDIUM DENSITY	75-120
TOTAL	168-213u

Schedule 5 Existing Zoning



Schedule 6 Proposed Zoning



Description of Zones proposed in Phase 4

- R.1B – Single-detached - 15 metres of frontage and 460m² minimum lot area.
- R.1C – Single-detached - 12 metres of frontage and 370m² minimum lot area.
- R.1D – Single-detached - 9 metres of frontage and 275m² minimum lot area.
- R.3A – Cluster Townhouses and in accordance with Section 5.3.1 of the Zoning Bylaw.
- R.4A – Apartment Dwellings and in accordance with Section 5.41 of the Zoning Bylaw.
- I.1 – Institutional - in accordance with Section 8.1 of the Zoning Bylaw.

PLANNING CONSENT AGENDA

March 3, 2008

Her Worship the Mayor
and
Members of Guelph City Council.

SUMMARY OF REPORTS:

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda can be approved in one resolution.

A Planning Consent Decisions

REPORT	DIRECTION
<p>1 348 CRAWLEY ROAD: - PROPOSED ZONING BY-LAW AMENDMENT (PART OF FILE 23T-06503/ZC0617) - WARD 6</p> <p>THAT the application by Industrial Equities Guelph Corporation for a Zoning By-law Amendment from the UR (Urban Reserve) Zone to the B.1 (Industrial) Zone affecting property municipally known as 348 Crawley Road and legally described as Part 2, Plan 61R10107, Concession 7, formerly Township of Puslinch, City of Guelph, be approved in accordance with the uses and regulations set out in Schedule 2 of the Community Design and Development Services Report 08-18 dated March 3, 2008;</p> <p>AND THAT Guelph City Council has determined that no further public notice is required in respect of the proposed Zoning by-law amendment to the B.1 (Industrial) Zone, (File 23T-06503/ZC0617) in accordance with Section 34(17) of The Planning Act.</p>	<p>Approve</p>



Beverly Wozniak



February 23, 2008.

RECEIVED
FEB 25 2008

CITY CLERK'S OFFICE

Ms. Lois Giles,
City Clerk,
City Hall, Guelph, Ont.

FAX # 519-763-1269

RE: PUBLIC MEETING 348 CRAWLEY ROAD, MARCH 3, 2008.

I see where the City of Guelph has before it an application regarding a prospective large warehouse planned to be situated on the above lands.

At the PUBLIC MEETING ON JANUARY 14, 2008, I spoke and presented to the City of Guelph regarding the Hanlon Expressway and stated that the INTERCHANGE should be located on MALTBY ROAD, instead of the proposed plan of MTO to have the interchange constructed on Con. 7, Township of Puslinch.

The amount of traffic that will be generated by the above application, and not counting all the other traffic when the Southgate Industrial Subdivision is complete will be tremendous.

Is the City of Guelph going to inform the above applicant and all the other proposed developments on these lands that they will have to travel out of their way to reach the Hanlon Expressway and 401?

Con. 7, Township of Puslinch is a steep and very hilly road that is dangerous to travel at the best of times.

As you can see by the enclosed map the shortest route is an INTERCHANGE on MALTBY ROAD, instead of what MTO is proposing.

The City of Guelph needs to have the shortest route to the Hanlon and 401, times is money, less pollution, less fuel consumption, less wear and tear on vehicles etc., and that's an INTERCHANGE ON MALTBY ROAD.

The traffic to use the Interchange on Con. 7, by the residents of Puslinch Township will be minimum, not like the City of Guelph.

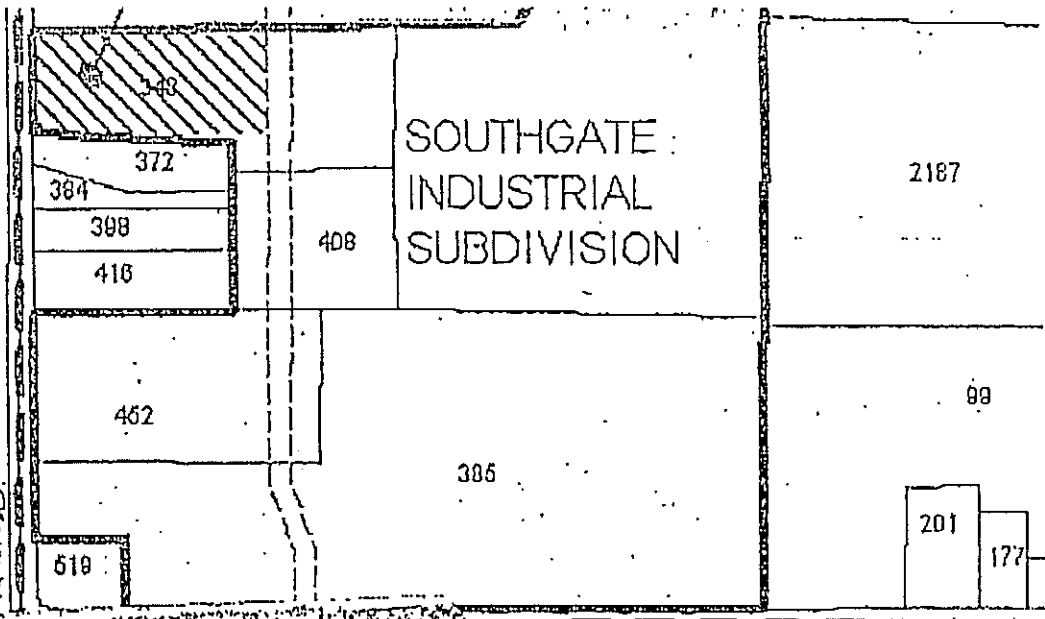
Please take my concerns into consideration, talk to the MTO, and let common sense play an important factor here. As was apparent at the Public Meeting MTO doesn't listen and only gives lip service.

I am requesting a reply to my letter, and the out come of this Public Meeting.

Yours truly,

A handwritten signature in black ink, appearing to read "P. Wozniak". The signature is written in a cursive style with a large initial "P".

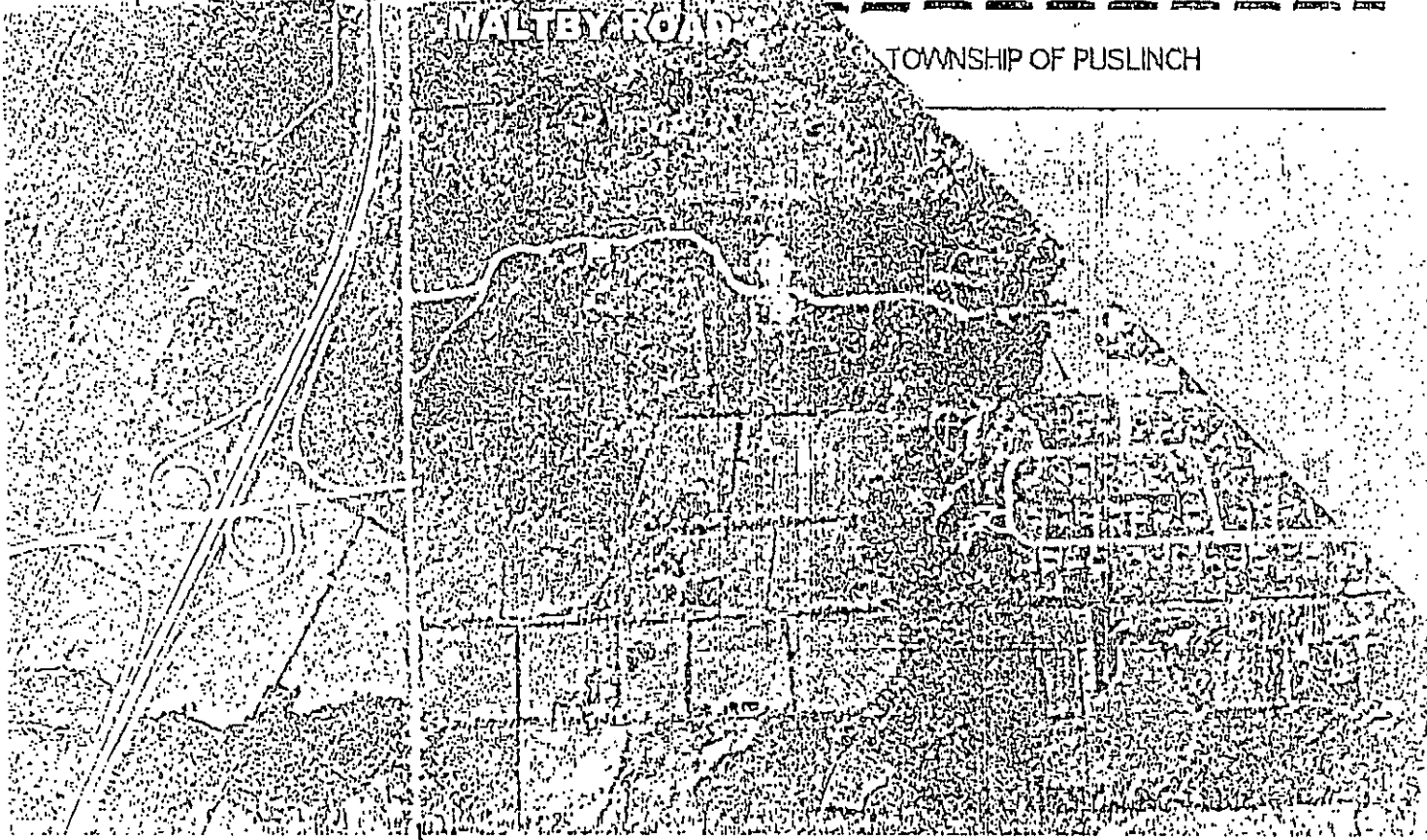
Dr. Paul Wozniak and Bev Wozniak



1/19/08

WALBY ROAD

TOWNSHIP OF PUSLINCH



Casey



City of Guelph

Report: 08-18

COMMUNITY DESIGN AND DEVELOPMENT SERVICES

TO: Council

DATE: 2008/03/03

SUBJECT: 348 CRAWLEY ROAD: PROPOSED ZONING BY-LAW
AMENDMENT (PART OF FILE 23T-06503/ZC0617) - WARD 6

RECOMMENDATION:

"That the application by Industrial Equities Guelph Corporation for a Zoning By-law Amendment from the UR (Urban Reserve) Zone to the B.1 (Industrial) Zone affecting property municipally known as 348 Crawley Road and legally described as Part 2, Plan 61R-10107, Concession 7, formerly Township of Puslinch, City of Guelph, BE APPROVED in accordance with the uses and regulations set out in Schedule 2 of the Community Design and Development Services Report 08-18 dated March 3, 2008; and

THAT Guelph City Council has determined that no further public notice is required in respect of the proposed zoning bylaw amendment to the B.1 (Industrial) Zone, (File 23T-06503/ZC0617) in accordance with Section 34(17) of The Planning Act."

BACKGROUND:

The subject lands are located on the east side of Crawley Road approximately mid-distance between Clair Road and Maltby Road (see **Schedule 1**). The lands are vacant with a total site area of 4.9 hectares (12.1 acres) and 138.9 metres (456 feet) of frontage on Crawley Road.

The subject lands represent a small part of the owner's 88 hectare (216 acre) Southgate Industrial Business Park application for draft plan of subdivision and zoning bylaw amendment approval (File 23T-06503/ZC0617). The subdivision application was presented for information at a statutory Public Meeting of City Council on November 5, 2007. Report 07-97 from Community Design and Development Services dated November 5, 2007 provided background information related to this industrial subdivision that includes the subject site (See **Schedule 1**).

The small part of the original application is being brought forward for a decision ahead of the balance of the larger subdivision, to facilitate a significant industrial investment for the City. Economic Development and Tourism Services has been working with Industrial Equities Guelph Corporation to attract a prospective large warehouse user to the City of Guelph. The lands to the north of the subject site at 995 Southgate Drive (See **Schedule 1**) are the preferred location however the parcel alone is not large enough to accommodate the proposed warehouse facility which could have an ultimate building foot print of one million square feet (See **Schedule 6**).

There is a need to enlarge the parcel at 995 Southgate Drive to accommodate the prospective warehouse user and the subject site represents a logical lot addition. The proposed land assembly involving the two combined parcels (subject property and 995 Southgate Drive) will be sufficient in size to accommodate the construction of the distribution warehouse facility.

Lot addition (severance) and minor variance applications (Files B-3/08, B-4/08, A-6/08 and A-7/08) were approved by the Committee of Adjustment at its January 22, 2008 Hearing (See **Schedule 3**). The subject site was created by severance through the approval of application B-4/08, subject to the conditions listed in the Committee decision in **Schedule 4**. These conditions include the requirement that the two parcels be merged in title and that the subject site be rezoned so that the consolidated holding is in the same B.1 (Industrial) Zone (See **Schedule 5**). This report deals with the rezoning request only.

As the warehouse user does not wish to include the stone heritage house located on the 995 Southgate Drive property in their land purchase, application B-3/08 was also approved by the Committee which severed land around the house to make it a separate entity. The house will remain in the ownership of Industrial Equities who plan to possibly relocate the structure in the future to a more appropriate location in the Southgate Industrial Subdivision. Conditions were included in the severance application to ensure the protection of the stone house and allow for the house to be moved across the warehouse property to reach a new location in the future. Heritage Guelph's recommended conditions to protect the stone house have been incorporated into the Committee of Adjustment B-3/08 application approval to the satisfaction of Heritage Guelph.

Minor variance application A-06/08 was granted to allow the heritage house to remain in its present location without street frontage and using the existing private septic system. Minor variance application A-07/08 granted permission to the warehouse user to place loading areas abutting Crawley Road and the Hanlon Parkway subject to appropriate landscape screening.

Official Plan

The subject site including the surrounding lands are designated Industrial in the Guelph Official Plan. The Industrial designation promotes industrial uses including manufacturing, warehousing, laboratories, data processing and research and development type uses.

Description of Proposed Zoning Amendment

The applicant proposes to amend the zoning on the subject property from the existing UR (Urban Reserve) Zone as described in Section 11 of the Zoning Bylaw to the B.1 (Industrial) Zone (See **Schedule 5**) as described in Section 7 of the Zoning Bylaw.

REPORT:

This application has been considered in terms of the Official Plan 'Industrial' land use policy and Provincial policy. The rezoning of the site to the appropriate industrial zone supports the proposed land assembly and satisfies the Committee of Adjustment's condition that the merged properties be placed in the same B.1 Zone and developed as a unified project.

The primary issues and concerns regarding the larger Southgate Industrial Subdivision application are related primarily to evaluation of the "Industrial" policies of the Official Plan, environmental assessment, storm water management, water quality, servicing and traffic issues. Staff are satisfied that these issues have been addressed as they relate to this subject property.

The site does not contain any natural heritage features or development constraints. The site has been fully area graded by permission of the City, to service the severed industrial blocks of land to the north including 995 Southgate Drive. In order to service those lands, the subject site was graded to construct a temporary storm water management facility, underground municipal services and an emergency access road to allow the southerly extension of Southgate Drive further to the south. To enter and exit these industrial lands in the future, Southgate Drive will act as the main road connection to the future Laird Road/Hanlon Expressway interchange.

This application for a zoning by-law amendment at 348 Crawley Road represents a minor change to the original Southgate Industrial Subdivision application received from Industrial Equities Guelph Corporation in December 2006.

The Southgate Industrial Subdivision application proposed to rezone the subject site to a Specialized B.3 (Industrial) Zone and this rezoning application alternatively proposes the B.1 (Industrial) Zone. The lands are designated for industrial land use and manufacturing and warehousing are permitted uses in both zones.

Section 34(17) of the Planning Act allows Council to determine the need for further Notice where a change is made in a proposed bylaw after the public meeting. As both the original subdivision proposal and this rezoning proposal ask for industrial zoning on the subject site which is designated 'Industrial', the intent of the zoning has not changed and Staff recommends that no further notice is required (See second resolution).

The balance of the Southgate Industrial Subdivision application will return to City Council with a Staff report and recommendation for a Council decision in the future, once all of the issues have been addressed. The rezoning of the subject site as a separate parcel of land will not jeopardize the continued evaluation of the industrial subdivision.

The rezoning, subject to the recommendation highlighted in **Schedule 2**, conforms to the goals and objectives of the Official Plan, is in the public interest and represents good planning.

CORPORATE STRATEGIC PLAN:

*Supports Economic Opportunity Goal #3: A diverse and prosperous local economy.

FINANCIAL IMPLICATIONS

Based on 40% coverage or 19,424 square metres of building:

Projected Taxation - \$384,000

Development Charges - \$860,871

DEPARTMENTAL CONSULTATION:

The public and agency comments received during the review of the Southgate Industrial Subdivision application will be reported to Council at a future public meeting.

COMMUNICATIONS:

The original Notice of Application for the Southgate Industrial Subdivision was mailed January 22, 2007 and the Notice of Application and Public Meeting for the subdivision was mailed and advertised in the Guelph Tribune on October 12, 2007, in advance of the November 5, 2007 Public Meeting.

The Notice of the City Council Decision Meeting for this rezoning application was mailed on February 8, 2008 to all persons who either sent in a written response to the subdivision application or attended the November 5, 2007 Public Meeting.

ATTACHMENTS:

Schedule 1 – Location Map

Schedule 2 – Recommended Zoning Uses, Regulations & Conditions

Schedule 3 – Committee of Adjustment Applications Plan

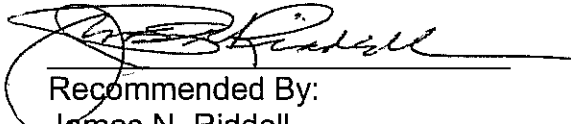
Schedule 4 – Committee of Adjustment File B-4/08 Approved Conditions
Schedule 5 - Proposed Rezoning
Schedule 6 – Conceptual Layout for Warehouse Proposal



Prepared By:
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Senior Development Planner
519 837-5616, ext. 2362
al.hearne@guelph.ca



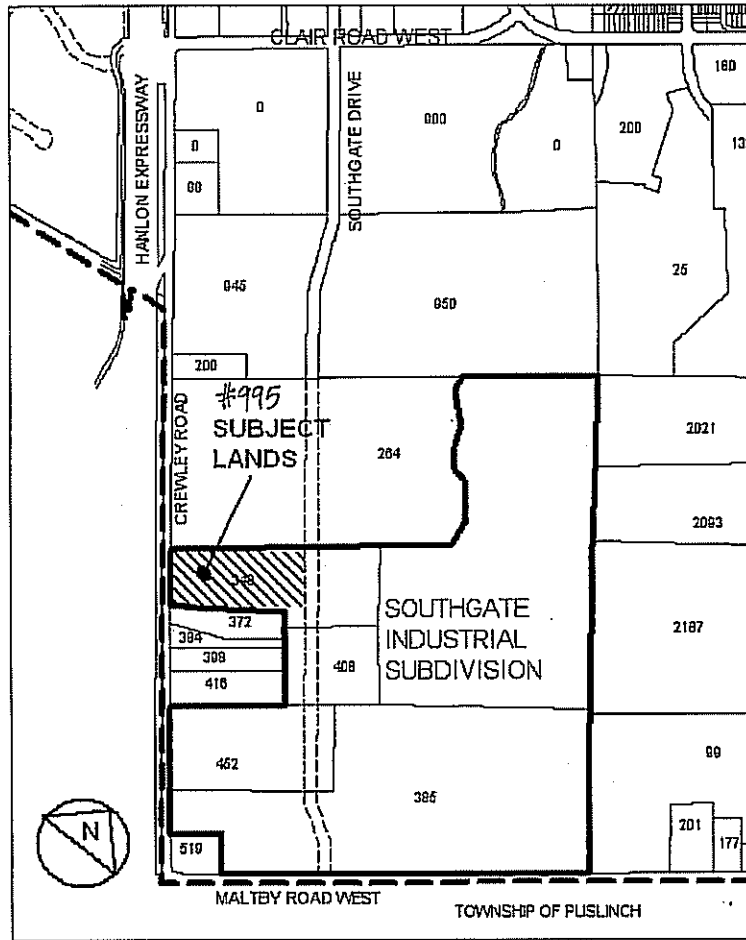
Recommended By:
R. Scott Hannah
Manager of Development and Parks
Planning
519 837-5616, ext. 2359
scott.hannah@guelph.ca



Recommended By:
James N. Riddell
Director of Community Design
and Development Services
519 837- 5616, ext. 2361
jim.riddell@guelph.ca

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Distribution Centre.Council Decision Rpt.March 3 2008.doc

**SCHEDULE 1
LOCATION MAP**



**SCHEDULE 2
RECOMMENDED ZONING USES, REGULATIONS & CONDITIONS**

The property affected by this Zoning By-law Amendment is municipally known as 348 Crawley Road, City of Guelph. The site was created by Committee of Adjustment File B-4/08.

The following zoning is proposed:

B.1 (Industrial) Zone

Permitted Uses

In accordance with Section 7.1 and 7.2 of Zoning By-law (1995) – 14864, as amended.

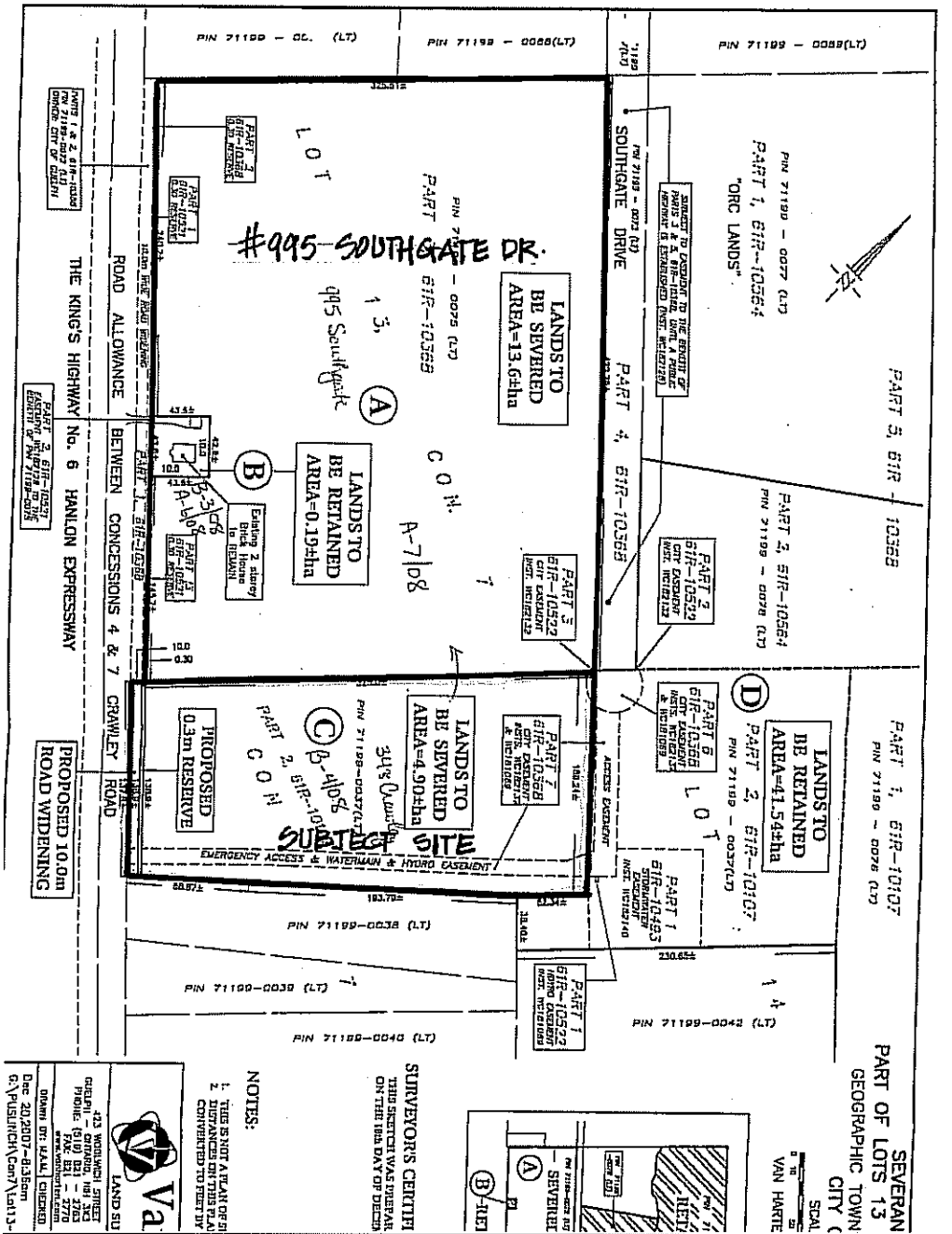
Regulations

In accordance with Section 7.3 of Zoning By-law (1995) – 14864, as amended.

Conditions

For Council's information, there are no conditions recommended with the rezoning application. All appropriate conditions have been applied to the subject site by the Committee of Adjustment approval dated January 22, 2008 (See **Schedule 5**).

**SCHEDULE 3
COMMITTEE OF ADJUSTMENT APPLICATIONS PLAN
THE SUBJECT SITE**



SCHEDULE 4
Committee of Adjustment File B-4/08 Approved Conditions



COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER B-4/08

The Committee, having had regard to the matters that are to be had regard to under Section 51(17) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the property and orderly development of the land, passed the following resolution:

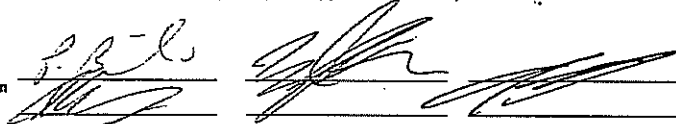
"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 13, Concession 7, known as 348 Crawley Road, a parcel, irregular in shape with a frontage of 138.0 metres along Crawley Road and an area of 4.9 hectares (12.11 acres), be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That prior to endorsement of the deeds, the owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan identifying any easements/right-of-way and conveyances.
3. That the Southgate Drive extension including the turning circle across the lands to be retained (D); including an easement over a portion of the turning circle shall be deeded to the City, prior to endorsement of the deed, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of Southgate Drive and the turning circle conforms to the City's "Geometric Design Criteria - July 23, 1993".
4. That the owner shall deed to the City free of all encumbrances a 10.0-metre (33.0 feet) wide parcel of land for a road widening across the entire frontage of 348 Crawley Road, prior to endorsement of the deeds.
5. That prior to endorsement of the deeds, the owner shall convey to the City a 0.30 metre reserve across the entire frontage of 348 Crawley Road, satisfactory to the City Engineer and the City Solicitor.
6. That the owner agrees to develop and maintain the said lands and services in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the services, certify to the City that he/she supervised the construction of the services and that the services were built as they were approved by the City and is functioning properly.
7. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
8. That the owner shall make arrangements satisfactory to Bell Canada for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.

COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER B-4/08

9. That the owner shall make arrangements satisfactory to Union Gas for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
10. That the zoning of the severed parcel be changed to an appropriate Business Park zoning, prior to the endorsement of the deeds.
11. That the owner shall deed to the City free of all encumbrances a 10.0 metre (33.0 feet) wide parcel of land for a road widening across the entire frontage of 348 Crawley Road, prior to endorsement of the deeds.
12. That prior to the endorsement of the deeds, the owner shall convey to the City a 0.30 metre reserve, along Crawley Road, satisfactory to the City Engineer and City Solicitor.
13. That an agreement be registered on title for the severed parcel containing these conditions, prior to the endorsement of the deeds.
14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 25, 2008.
15. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
16. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Members of Committee
Concurring in this Decision

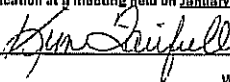


The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is **February 19, 2008**

I, Kim Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on **January 22, 2008**.

Dated: **January 29, 2008**

Signed:

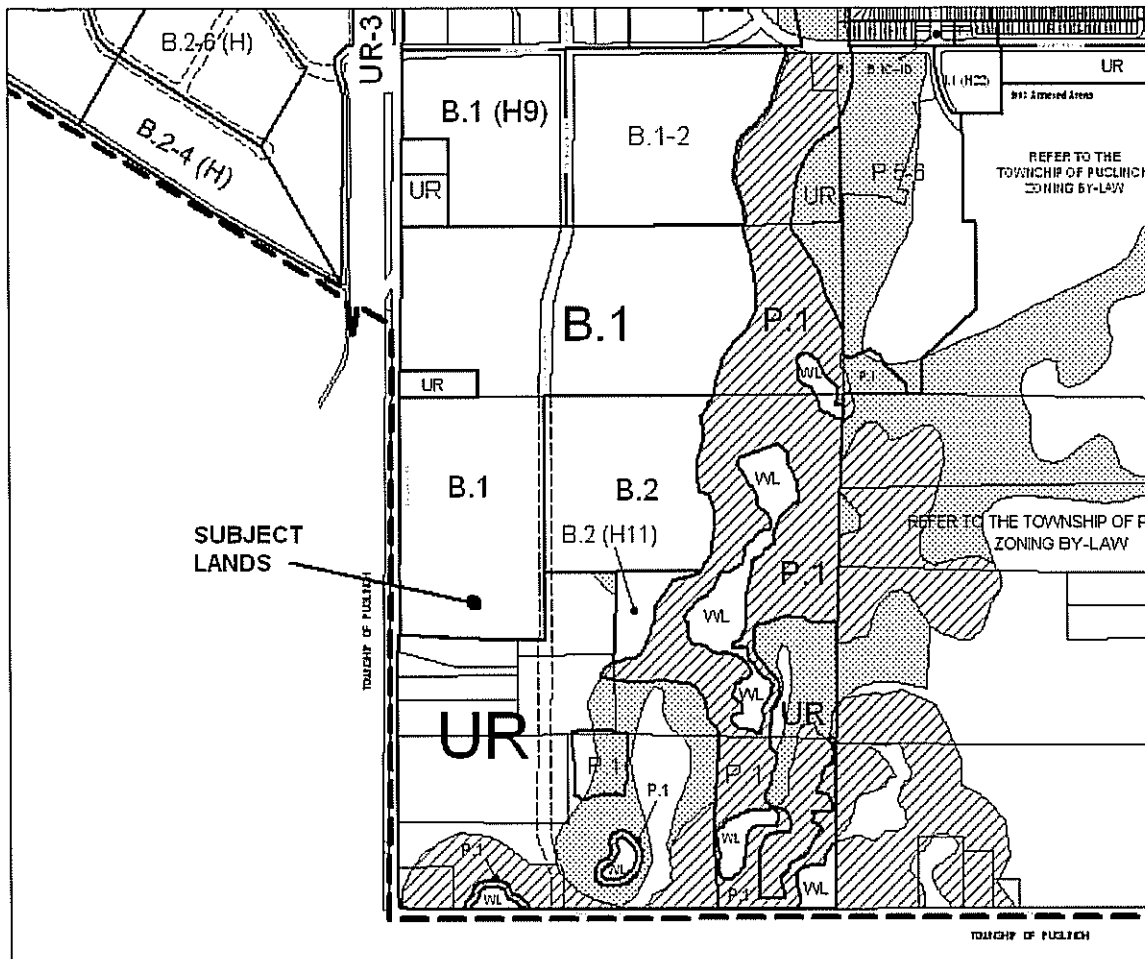


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SCHEDULE 5 PROPOSED ZONING



**SCHEDULE 5
PROPOSED ZONING**

SECTION 7 – INDUSTRIAL (B.1 to B.4) ZONES and CORPORATE BUSINESS PARK (B.5) ZONES

7.1 PERMITTED USES

The following are permitted *Uses* within the Industrial – (B.1, B.2, B.3, and B.4) *Zones*:

7.1.1 Industrial B.1 and B.2 Zones

Catering Service
Cleaning Establishment
Commercial School
Computer Establishment
Manufacturing
Print Shop
Repair Service
Research Establishment
17187 Towing Establishment
Tradesperson’s Shop
Trucking Operation
Warehouse

7.1.1.1 *Office, Factory Sales Outlet, fleet servicing area and other Accessory Uses* are permitted provided that such *Use* is subordinate, incidental and exclusively devoted to a permitted *Use* listed in Section 7.1.1 and provided that such *Use* complies with Section 4.23.

Temporary *Uses* including *Agriculture (Vegetation Based), Outdoor Sportsfield Facilities, and driving range.*

Malls

Malls shall only be permitted in the B.2 *Zone*

Schedule 6 Conceptual Site Layout for Warehouse Proposal

